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**From Paris to Marrakesh or the challenge of implementation: Twenty-second
Conference of the Parties to the United Nations Framework Convention on
Climate Change (COP22, CMP12, CMA1)**

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From Paris to Marrakesh or
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Twenty-second Conference of the Parties
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(COP22, CMP12, CMA1)



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Marrakesh, Morocco
7-18 November 2016

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Twenty-second Conference of the Parties
to the United Nations Framework
Convention on Climate Change
(COP22, CMP12, CMA1)

Marrakesh, Morocco
7-18 November 2016

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A few words from the Director of the IFDD

The 22nd session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 22), which will be held in Marrakesh (Morocco) on 7-18 November 2016, is a chance for all stakeholders to identify concrete actions for implementation to provide a targeted and appropriate response to global warming.

On 25 September 2015, the United Nations adopted a sustainable development programme entitled “Transforming our world: the 2030 Agenda for Sustainable Development”. The thirteenth Sustainable Development Goal (SDG) urges “taking urgent action to combat climate change and its impacts”. Thankfully, under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC), the Parties to the Convention adopted an agreement in Paris on 12 December 2015 to stabilise global warming. This goal of this agreement, which was supported by all Parties, is to maintain the rise in temperature below 2 degrees Celsius and for the Parties to continue their efforts to achieve a threshold of 1.5 degrees.

In addition, major progress on adaptation has been made in the Paris Agreement, with the establishment of the global objective of “enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change with a view to contributing to sustainable development...”¹¹.

This is excellent news for climate stability and all regions of the world which are vulnerable to the adverse effects of climate change. With the Paris Agreement, which entered into force on 4 November 2016, the international community, through its Heads of State and Government, has shown comprehensive consensus on the need to act urgently and measure the climatic disorders of the planet. But what is the Paris Agreement worth without concrete, diligent actions, was it intended to be binding or universal?

During recent weeks (September 2016), the Cotonou Declaration by local and regional elected officials in Africa, the Nantes Declaration by non-State climate players and the Ministerial Meeting of the Least Developed Countries in Kinshasa have unanimously called for enhanced concrete action to plug the gap between the current commitments and the goal of the Paris Agreement.

Readers, the COP 22 in Marrakesh will be undoubtedly, or so we sincerely hope, the COP for action. The Parties must, among other things, operationalise the national mitigation and adaptation contributions, make financing available and accessible and adopt actions to minimise loss and damage, build capacities and clarify the implementation control and monitoring mechanisms to ensure transparency and that these commitments are met.

1 Paris Agreement, Article 7 (1)

All stakeholders in the climate negotiations, including the non-State players who will subsequently play an essential role, must continue, during this COP 22, to discuss the ways and means of implementing concrete actions to slow down climate change, by combining them with the initiatives launched in Paris under the Lima-Paris Action Plan.

Readers, the International Organisation of the Francophonie (OIF), through its subsidiary, the *Institut de la Francophonie pour le développement durable* (IFDD – Institute of the French-speaking world for Sustainable Development), will support actions for a transition to a low-carbon economy which creates co-benefits (job creation for young people and women, quality of life, reinforced solidarities) in the member countries.

I hope that this new edition of the Guide to the Negotiations produced by IFDD will enlighten you on the issues of COP 22. The purpose of this guide is to keep you advised of progress in the negotiations and on the key points to be discussed during COP 22.

Its production has been made possible through the mobilisation of the French-speaking expertise and of our partners, especially Énergies 2050, who we thank most warmly.

Negotiators and partners, I leave you to explore the Guide and wish you excellent work and a successful outcome in Marrakesh. The moment has come to move from negotiation to action. Pleasant reading!

Jean-Pierre Ndoutoum

How to use this guide

The *Guide to the Negotiations* and the *Summary for policymakers* is enhanced year on year and goes beyond the climate change negotiating structure. Academics, public or private figures and representatives of civil society organisations or international institutions – they are all using the *Guide* and the *Summary* increasingly as an independent, factual and up-to-date source for the negotiations with an exhaustive, dynamic review of issues, challenges and opportunities for action.

Once again this year, the drafting team has attempted to break new ground by boosting the accessibility of information to readers with varying degrees of knowledge about the negotiation process – whether they have in-depth knowledge or knowledge of certain aspects only or are first-time attendees. The aim is still for each individual to access all the information he needs, but also that every person can dip into it based on his priorities and the time he can give to it. With this in mind, efforts have been made to engage with a wider audience. Outreach boxes support the descriptions and detailed analyses of the various questions addressed in the negotiations wherever possible. The notion addressed can thus be grasped immediately. Special emphasis has been placed on creating an iconography that is as detailed and educational as possible. Illustrative diagrams and summary tables round out the whole and aim to give the reader all the keys he needs to understand what is happening within the negotiation chamber.

The *Guide* is once more benefiting this year from input from a group of authors comprising eminent members from different French-speaking countries who have been involved in the climate negotiations for many years. Known and recognised players, their early involvement in the negotiation chamber as well as in implementing policies and measures resulting from climate agreements brings this collective work as close as possible to the negotiation realities and the understanding of major issues and challenges. We are hopeful that the various contributions will make the work even more relevant, productive and fully engaged with the reality of negotiators and actors implementing concrete projects resulting from the negotiations.

Part I proposes a detailed analysis of the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) held in Paris on 30 November-11 December 2015. Beyond the results of COP 21 which culminated in the first universal climate agreement, this part attempts to decipher the negotiation processes and cycles occurring prior to the Conference and which led to this historic result. Deciphering the Paris Agreement and operating modalities emerging from Decision 1/CP.21 is also proposed.

Part II presents in detail the execution and challenge of implementing the Paris commitments, by focusing on the issues relating to the permanent subsidiary bodies, namely the Subsidiary Body for Implementation (SBI) (Section II.1), the Subsidiary Body for Scientific and Technological Advice (SBSTA) (Section II.2) and the Ad Hoc Working Group on the Paris Agreement (AWG-APA) (Section II.3).

Part II puts into perspective the major themes debated under COP 21 and included in the Paris Agreement and Decision 1/CP.21. This includes especially the implementation of commitments forming part of the Intended Nationally Determined Contributions (INDC), the ambition, the financing questions and the role of non-State players.

Each theme forms part of what is called the “spirit of Paris” by many people, which must be maintained during COP 22 and over time to take up the challenge of implementation and convert the ambitions of the international community into reality. The insufficient national mitigation commitments given the target of limiting global warming to less than 2°C are naturally the overriding question in this context.

The authors have attempted to offer an overview and then detailed analyses for all three parts, featuring the main climate negotiation issues and the challenges in achieving the objectives set by the Paris Agreement. Numerous synthetic diagrams figure in the body of the document. These are designed to give the reader an educational overview of the various topics addressed.

The outlook within each section on the expectations of the COP 22 is presented in terms of execution and operationalisation of major issues. Terminology sheets relating to the French and equivalent English vocabulary specific to the climate change negotiations and the abbreviations and acronyms currently used under the negotiations are also provided.

Readers are referred to other sections of the guide and to the source documents the length of the text so that they can broaden their understanding of a topic if they so wish. Note that only the document listings are quoted when reference is made to UNFCCC documents. These listings, designed to make reading easier, can furthermore be used to find the documents referred to very easily on the UNFCCC Internet site². A table has been added so that each individual can understand the UNFCCC and Kyoto Protocol document listings³.

We hope that this guide will meet readers’ expectations. We ask them to share their assessment and suggestions with us by filling in the form at the end of the guide.

This Guide and its accompanying Summary for policymakers were updated on 5 October 2016.

Climate change is an universal issue where the effects are very real for an increasing proportion of the world population. More than ever there is an urgent need for action and the negotiations, even if they are still the remit of the UNFCCC States-signatory Parties, must not remain within the restricted enclave of specialists. This *Guide to the Negotiations* and its accompanying *Summary for policymakers* augment the firm commitment to give every reader the keys to act.

2. <http://unfccc.int/documentation/items/2643.php>

3. See Sheet 8: *UNFCCC and Kyoto Protocol document listings*

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Introduction

From Paris to Marrakesh... The challenge of implementation

It is now acknowledged virtually unanimously that climate change is caused by humans. Scientific analyses highlight gradual disruptions and a global rise in temperatures over the last two centuries, at an increasing pace during recent decades⁴. They are mainly caused by greenhouse gas emissions (GHG) associated with our consumption and production modes, with consequences that could quickly prove irreversible⁵. Despite international negotiations, it is clear that progress in combating climate change has remained very modest compared with the numerous challenges raised.

The fifth Report of the Intergovernmental Panel on Climate Change (IPCC) restated in 2013 the anthropogenic (human) origin of this phenomenon. It henceforth deems the link between the rise in temperatures noted since 1950 and human activities as “extremely likely⁶” (i.e. a probability higher than 95%). According to this same report, the increase in average temperatures may be between +2.6°C and +4.8°C by 2100, well in excess of policy objectives fixed by the international community. This rise could have considerable impacts, mainly disordered rainfall systems, melting ice, rising sea and ocean levels (26 to 85 cm by the end of the century, depending on the scenarios), salinisation of lands, advancing desertification, acidification of oceans and an increase in extreme climate events. These effects would exacerbate already complex environmental, economic and social problems, especially in developing countries⁷.

The negotiation process set up to face up to this planetary challenge is a pioneering experiment in the history of our societies. For the very first time, the governments of virtually all countries are working together in a complex process which questions our organisation model and our economies and replaces the environment, human development or solidarity between peoples at the heart of the issues. The only precedent is the Montreal Protocol adopted in 1985 on the emission of substances that impoverish the ozone layer, which was, by comparison, simplicity personified in relation to the complex climate change and GHG emission processes. The world agreement on the ozone layer must, however, be a source of optimism, as thanks to the international mobilisation that united most nations around a same table, the ozone layer is now recovering⁸.

We can only wish the negotiation process under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC) the same success.

4. IPCC, 2013

5. IPCC, 2013

6. IPCC, 2013

7. Source : IPCC, quoted in ENERGIES 2050, 2016a

8. WMO and UNDP, 2014.

After all, we must remember the overwhelming size of the challenge – no more and no less protecting present and future generations from the multiple, devastating consequences potentially generated by too rapid a rise in Earth's temperatures. The responsibility weighing on the shoulders of negotiators and policymakers is therefore huge. It has not always been appreciated as demonstrated by the failures of the The Hague (2000) and Copenhagen (2009) conferences. But it is clear that the international process has always been relaunched and ultimately culminated in the adoption of a new agreement during COP 21. When everyone is defending the legitimate interests of his country, delays in implementing significant actions can have consequences for all. And these consequences will be very unequally distributed, weighing especially on the poorest countries, despite their little or no responsibility in creating the current situation.

The agreement reached in Paris in 2015 is of major importance in the progress of the climate negotiations. Fruit of a process started in 2011 with the launch of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, with the principal mandate of preparing an agreement for 2015⁹, it fulfils the hope for a global commitment by the States and for boosting of measures taken to combat climate change. This Agreement commits all States Parties to the UNFCCC to a significant reduction in their GHG emissions, but also introduces the necessary measures to increase the resilience of Man and his environment to climate disturbances. The next step must be implementation.

The Paris Agreement charts the course for the years to come. For the first time, it unites all Parties to the UNFCCC. This universal agreement has united all Parties in committing to common guidelines for long-term, resilient and low-carbon development strategies. The Paris Agreement thus takes into account the necessary mitigation efforts by the Parties, by targeting the objective of keeping global warming “well below” 2°C above pre-industrial levels, whilst indicating a desire to pursue efforts to limit it to 1.5°C. The concerns of developing countries have also been incorporated and adaptation now joins mitigation as a central issue in the Paris Agreement and Decision 1/CP.21 which is intended to put it into operation.

The Paris Agreement stems from an innovative bottom-up approach by UNFCCC, with each Party called on to formulate its own commitments through Intended Nationally Determined Contributions (INDC). With this inclusive and participative process, the founding principles of the Convention – equity, common but differentiated responsibilities and respective capabilities in relation to national realities – are confirmed fully and are now ratified in the Paris Agreement. Although the commitments must be reinforced every five years, these dynamics nevertheless run the risk that all national commitments together are not enough to achieve the 1.5°C/2°C objective. Remember that, despite successive warnings by the IPCC, which in 2007 was already calling on developed countries to reduce

9. Decision 1/CP.17

their greenhouse (GHG) gas emissions by 25 to 40% by 2010 over 1990¹⁰, the global man-made GHG emissions have increased unceasingly¹¹. The temperature of our planet has already risen by 0.85°C since the pre-industrial period and the effect is accelerating. The IPCC indicates that half this rise has been achieved during the last four decades¹². A report by the UNFCCC Secretariat published on 2 May 2016, taking into account the INDC submitted by the Parties up to 4 April 2016, confirmed that the State commitments would not be enough to put our societies on a trajectory compatible with a rise in temperature of less than 2°C¹³. Given that the INDC (“forecast” contributions) of most Parties which have ratified the Paris Agreement have just been “copied” to become Nationally Determined Contributions (NDC), an opportunity to raise the ambition bar has already been missed. A major challenge is therefore to ensure that the level of ambition continues to rise. International cooperation is an initial lever, as is rallying all players within the process. This has already led to the adoption of the first legally-binding universal climate agreement¹⁴.

COP 21 was also a chance for non-State players to reaffirm their commitment and to underline their central role other than just as observers of UN negotiations. The Paris Agreement thus calls on all States to mobilise and also all players and individuals, by recognising the significant, essential role each one must play in this collective script.

The expectation is now that the huge progress made possible by COP 21 is confirmed during the Marrakesh Conference. One major aspect will be to define the regulations for market mechanisms to reduce the costs to achieve the mitigation goals included in the NDC.

In addition, genuine progress in adaptation in terms of institutional coherence and financing also figure among key negotiation elements for COP 22.

The Parties should also during this conference show real progress in the Pre-2020 Agenda, significant capacity-building efforts, increased support for developing countries and for the transfer of technologies and improve access to sources of financing. Maintaining and monitoring international cooperation, commitment, financing, transfer of technology and capacity-building will also be central questions. It is essential that the “spirit of Paris” is maintained in Marrakesh and that the ambitions of the international community are more than ever based on trust in the long term, now that the Paris Agreement has officially entered into force.

10. IPCC, 2007

11. IPCC, 2014a, p. 6

12. IPCC, 2014a

13. UNFCCC, 2016d

14. The inherent conditions for the entry into force of the Paris Agreement (55 Parties – 55% of global emissions) were met on 5 October 2016 and the official ratification of 72 Parties accounting for 56.75% of global emissions occurred on the same date.

A guide to understand, share and increase the opportunities to act

The *Guide to the Negotiations* and its accompanying *Summary for policymakers* fall under the wider context of the support provided by the *Institut de la Francophonie pour le développement durable*, a subsidiary body of the International Organisation of La Francophonie (OIF), to French-speaking countries in the international climate change negotiations.

Although this guide is intended especially for the negotiators from OIF member countries, it has year on year become a reference document translated into several languages. We hope that it will be a useful tool for all delegates and that it will make an effective contribution to facilitating the search for a consensus for an ambitious Marrakesh agreement that is realistically in line with the challenges.

Aimed at helping negotiators to better understand the challenges of the COP 22, this guide provides a retrospective of progress made in Paris (Part I). Part II analyses the challenges of achieving objectives, through the lens of the mandates of permanent subsidiary bodies. The major issues under debate are then discussed in Part III. Numerous diagrams have been added throughout the text in this 2016 edition to clarify certain notions or throw light on specific issues. Boxes and a wealth of icons enhance specific points in the document.

Part I.

Analysis of the conclusions of Paris

I.1 Conclusions of the Durban Platform

The Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) was set up under the seventeenth Conference of the Parties (COP 17) to the United Nations Framework Convention on Climate Change (UNFCCC). Its goal was firstly to develop a protocol, another legal instrument or a wording by common agreement having legal force under the Convention applicable to all the Parties¹⁵ and, secondly, to increase the mitigation ambition level of Parties for the pre-2020 period¹⁶, in relation to the most recent scientific information supplied by the 5th report of the Intergovernmental Panel on Climate Change (IPCC).

The ADP started its work in May 2012 in Bonn by holding the first part of its first session at the same time as the 36th session of subsidiary bodies. This first ADP session approved the institutional arrangements for the 2012-2015 period, adopted its agenda and launch two work streams responsible for reviewing the questions relating to paragraphs 2-6 and paragraphs 7-8 of Decision 1/CP.17¹⁷¹⁸.

Having adopted the agenda and mode of governance for the ADP, COP 18 urged the Parties to continue to prepare elements for the future agreement and the pre-2020 work programme. The invitation launched at the 21st session of the COP to the Parties to submit their Intended Nationally Determined Contributions (INDC) under the 2015 Agreement is one of the main developments in talks under the ADP and a key foundation in adopting the Paris Agreement in December 2015.

As planned by the Conference of the Parties at its 20th session in Lima, the first negotiation text was prepared in Geneva during the 8th part of the second session of the Durban Platform. The 9th, 10th and 11th parts of the second ADP session culminated in October 2015 in the draft text for a new agreement, combined with two draft decisions on the operationalisation of the 2015 Agreement and the launch of a work programme on raising the level of ambition before 2020.

15. Decision1/CP.17, para.2. “Work stream 1” (WS1)

16. Decision1/CP.17, para.6. “Work stream 2” (WS2)

17. UNFCCC, 2012a

18. UNFCCC, 2012b

At the end of the 12th session of the second part of the ADP, held jointly with COP 21, the Joint Chairmen of the Durban Platform concluding the work of the ADP culminating in the “Conclusions of Paris”. These contained a draft agreement and draft decision on the two ADP work streams; the first operationalising the agreement and the second presenting the options with a view to raising the ambition for the pre-2020 period.

The continuation of talks under the presidency of COP 21 led to the adoption of the text of the Paris Agreement and decisions on raising the level of ambition before 2020.

Table 1. Chronology of ADP sessions

Session	Place	date	Outcome/Decisions
ADP 1	Bonn	17-25 May 2012	Adoption of institutional arrangements for the ADP office over the 2012-2015 period and launch of work in the two ADP work streams
Additional information ADP1 session	Bangkok	30 August-5 September 2012	Discussions on the potential components of the two work streams ¹⁹
COP18/ADP 1-2	Doha	27 November-7 December 2012	Adoption of the ADP work programme by the Conference of the Parties
ADP 2-1	Bonn	29 April-3 May 2013	<ul style="list-style-type: none"> WS1 (Work stream 1) Initiation of round tables to give the Parties a chance to progress and fine tune the questions regarding the scope, structure and design of the Agreement of 2015, the links between the Agreement of 2015 and the existing arrangements and the themes of adaptation, mitigation, means of implementation and transparency of measures and support²⁰. WS2 (Work stream 2) Initiation of round tables on how the working group could stimulate the action to be undertaken to raise the level of ambition by 2020, the practical ways of envisaging the level of ambition to be predicted before 2020 and the intensification of the support to be provided in terms of financing, technology and capacity-building and the path to follow²¹.
ADP 2-2	Bonn	4-13 June 2013	

19. UNFCCC, 2012b

20. FCCC/ADP/2013/2

21. FCCC/ADP/2013/2

COP19/ ADP 2-3	Warsaw	11-23 November 2013	<ul style="list-style-type: none"> • The COP: <ul style="list-style-type: none"> – requested the ADP to continue to prepare the elements of a draft negotiation text with effect from its first session in 2014²² – invited all the Parties to initiate or intensify domestic preparations for their intended nationally determined contributions (INDC)²³
ADP 2-4	Bonn	10-14 March 2014	Initiation of targeted consultations open to all covering the elements mentioned in paragraph 5 of Decision 1/CP.17, among others mitigation, adaptation, financing, technology development and transfer, transparency, etc. in order to prepare the elements of a draft negotiation text in accordance with Decision 1/CP.19, paragraph 2a ²⁴ .
ADP 2-5	Bonn	4-14 June 2014	<p>Creation of the contact group, with the fundamental work objectives of²⁵:</p> <ul style="list-style-type: none"> • Continuing to prepare the components of a draft negotiation text for the 2015 Agreement; • Making considerable progress in determining the information that the Parties would communicate when presenting their intended nationally determined contributions; • Advancing the work on the level of ambition to be predicted before 2020; <ul style="list-style-type: none"> – Stimulating action in the field to remedy the ambition gap; – Developing common understanding of potential options for moving this work forward
ADP 2-6	Bonn	20-25 October 2014	<ul style="list-style-type: none"> • Continuation of work on the text of a draft decision on intended nationally determined contributions²⁶; • WS1: the contact group developed the components contained in paragraph 5 of Decision 1/CP.16, mainly the cycle of contributions and commitments, and moved forward with the review of what should be set out in the 2015 Agreement and what should be subject to additional decisions to ensure the most dynamic implementation. • WS2: the contact group focused its attention on the contents of a draft decision on enhanced action to be provided for before 2020.

22. Decision 1/CP.19, para. 2a

23. Decision 1/CP.19, para. 2b

24. FCCC/ADP/2014/1

25. FCCC/ADP/2014/2

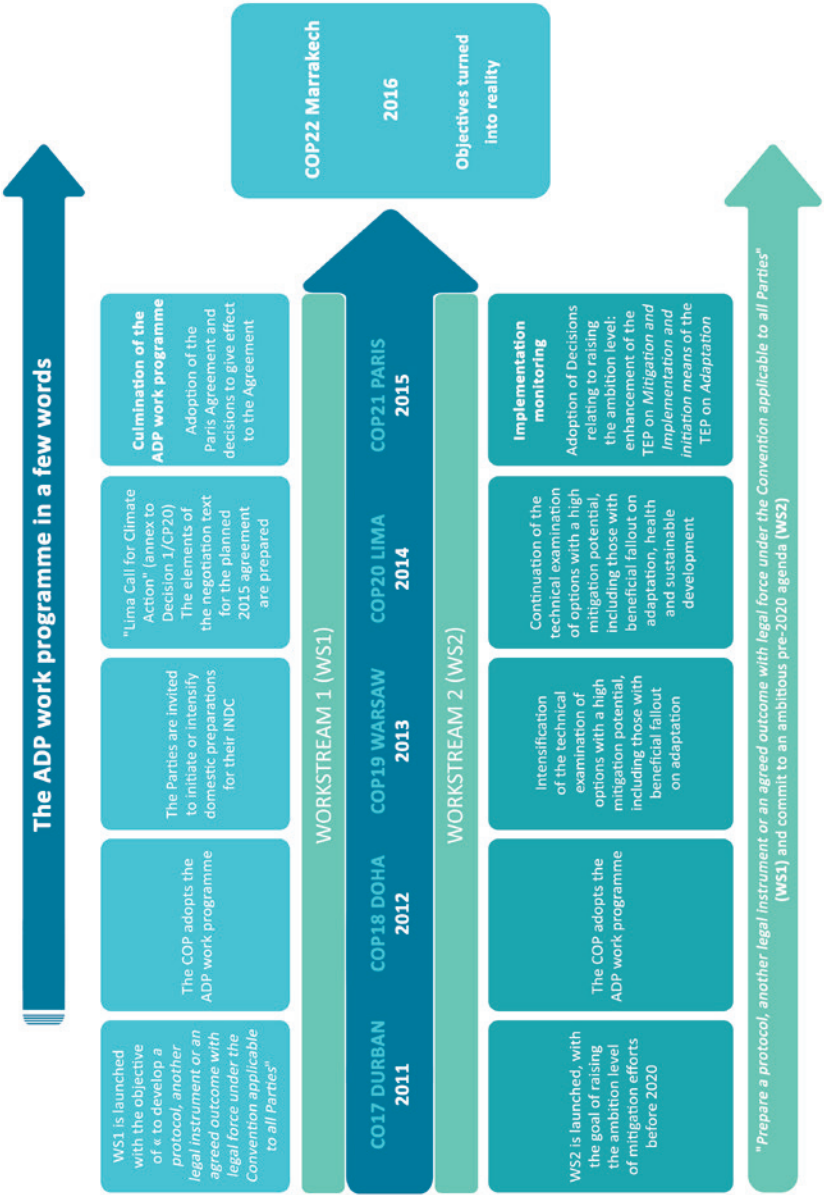
26. FCCC/ADP/2014/3

COP20/ ADP 2-7	Lima	1-14 December 2014	<ul style="list-style-type: none"> • The COP decided to continue the technical examination of opportunities with high mitigation potential, including those with beneficial fallout on adaptation, health and sustainable development, in the period 2015–2020²⁷ • Preparation of elements of the negotiation text of the 2015 agreement resulting from the annex to Decision 1/CP.20 called “Lima Call for Climate Action”²⁸.
ADP 2-8	Geneva	8-13 February 2015	Continuation of work to prepare a negotiation text based on the elements suggested for a draft negotiation text annexed to Decision 1/CP.20. The negotiation text in Geneva adopted at ADP 2-8 served as a basis for the negotiations of the 2015 Agreement and eliminated several redundancies and duplications, presented solutions and divergences better and clarified the proposals as much as possible.
ADP 2-9	Bonn	1-11 June 2015	Continuation of work to rationalise and consolidate the Geneva negotiation texts and group its elements and associated theoretical discussions: preamble, general comments/objectives, mitigation, adaptation and loss and damage, financing, development and transfer of technologies, capacity-building, transparency, timetables, implementation of and compliance with provisions and the procedural and institutional provisions. The ADP also addressed work stream 2 (level of ambition to be planned before 2020) and especially its mandate and the elements proposed which could make up a decision on work stream 2
ADP 2-10	Bonn	4-14 June 2014	Continuation of work on the negotiation text to prepare a concise, coherent and simplified text with a view to facilitating the negotiations between the Parties on the questions of substance and give the Ad Hoc Working Group the option of continuing the efforts it was deploying to facilitate climate action before 2020.
ADP 2-11	Bonn	19-23 October 2015	
COP21/ ADP 2-12	Paris	29 November- 11 December 2015	Adoption of the Paris Agreement and elements of decisions on raising the level of ambition before 2020

27. Decision 1/CP.20, para. 19

28. FCCC/CP/2014/10/Add.1

Diagram 1. The ADP work programme in a few words²⁹



29. © ENERGIES 2050, October 2016

I.1.1 Enhanced action before 2020

Instigated under the setting up of the Durban Platform for Enhanced Action, Work Stream 2 (WS2) aims to remedy the gap between the needs in terms of mitigation and the promises of emissions reduction for the period before 2020 with a view to contributing without further ado to maintaining the rise in temperatures at 1.5 or 2°C over pre-industrial levels.

Although the ADP WS1, which targeted a post-2020 agreement applicable to all the Parties, reached consensus fairly early on, the consideration of the WS2 was accepted as a compromise and resulted from the insistence by a certain number of Parties, especially the Alliance of Small Island States (AOSIS) during the Durban talks. These countries considered that negotiating a future agreement that would not go into effect until 2020 could only be accepted if measures to increase the mitigation ambition and to enhance adaptation were made beforehand³⁰.

The creation of WS2 conveys the feeling of urgency of some countries that must be adopted in face of the rise in temperatures whose consequences could be disastrous in developing countries in general, and in particular those that are more vulnerable. This feeling was emphasised by the publication of the 5th assessment report of the IPCC³¹ and the 2015 UNEP Report. The UNEP report underlined the importance of carrying out mitigation actions before 2020 to remain compatible with the scenarios targeting the limit of 2°C by 2100. It is essential that all countries, especially the largest emitters of greenhouse gas (GHG), execute their commitments made in Cancún as much as possible for 2020 (and ideally exceed them)³².

In addition, according to the article prepared by Rogelj, McCollum, O'Neill, & Riahi, in 2013³³ on “*the emission level required in 2020 to limit the rise in temperature to 2°C*”, exceeding the commitments made for 2020 will improve the changes of obtained the major emission reductions required after 2020. Reaching 1.5°C would, on the other hand, necessitate a quicker deployment of the required technologies by some ten years sooner than achieving the target of 2°C³⁴. On the eve of Paris, the G77/China, and more specifically SIDS, accentuated the urgency of acting early, more rapidly and as from now³⁵. The G77/China suggested that a work programme or mechanism specific to WS2 be adopted in Paris which would force developed countries to more specific reduction targets scaled to the increase between 2017 and 2020³⁶.

30. IISD, 2011

31. IPCC, 2014a

32. UNEP, 2015

33. Rogelj, McCollum, O'Neill, & Riahi, 2013

34. Climate Analytics, 2016b

35. IISD, 2015c, p. 11

36. See *G77/WS2 Decision element text submission (9 June 2015)* in ADP.2015.5. Informal Note [online] <http://unfccc.int/resource/docs/2015/adp2/eng/5infnot.pdf>.

Apart from the goal of raising the mitigation level of ambition, the WS2 considers simultaneously the financial, technological and capacity building support for the mitigation measures. The debates on taking mitigation into account under WS2 were initiated and emphasised in 2015 on the insistence of a certain number of developing countries. For their part, several developed countries, in particular the European Union (EU), Australia, United States, New Zealand, Canada and Norway opposed the work of the WS2 encompassing anything other than mitigation and the Technical Examination Process (TEP)³⁷. Several developed countries underscored during the 11th part of the second ADP session that adaptation must not be included in talks aimed at the WS2.³⁸

These differing viewpoints on taking adaptation into account continued during the talks under the WS2 in Paris. During discussions on the WS2, the developed countries requested that the focus be on mitigation, including the role of non-Party entities, the institutional anchoring of the current TEP and the links with the Convention bodies, whereas the developing countries underlined the acceleration of implementation and adaptation³⁹.

The 12th part of the second ADP session closed without reaching consensus on the consideration of the questions of adaptation. In the talks under the Paris Committee, supervised by the presidency of the COP 21, agreement was nevertheless reached on a draft decision to launch, during the 2016-2020 period, a technical examination process of adaptation measures.

Thus, the decisions relating to WS2 include a series of provisions intended to increase not just the mitigation efforts and implementation means but also the adaptation efforts. These decisions include, inter alia, the ratification of the Doha Amendment, compliance with commitments made in Bali and under the Cancún Agreements, the technical examination process for both mitigation and adaptation, facilitation dialogue and implementation means.

a. Ratification of the Doha Amendment

In Doha, the Parties, meeting under the Conference of the Parties acting as a Meeting of the Parties to the Kyoto Protocol (CMP), agreed on an amendment to the Protocol providing for GHG reduction targets applicable during a second commitment period from 2013 to 2020. The ratification of the Amendment is perceived as closely linked to the progression of WS2 and a possible increase in ambitions of mitigation pre-2020. Several Parties in 2015 called on the fastest

37. See *Submission from the Umbrella Group: Elements for a Draft Decision under Work stream 2* and *Suggestions from the European Union and its 28 Member States: Elements for a COP 21 Decision on Enhancing Mitigation Ambition Pre-2020* in ADP.2015.5. Informal Note [online].

<http://unfccc.int/resource/docs/2015/adp2/eng/5infnot.pdf>

38. IISD, 2015d, p. 9

39. IISD, 2015e.

possible action three years after the adoption of the Doha Amendment, which marks the beginning of the second commitment period of the Kyoto Protocol. South Africa, the Like Minded Developing Countries (LMDC), the Alliance of Small Island States (AOSIS) and the Independent Alliance of Latin American and Caribbean (AILAC) underscore the importance of making progress on the ratification of the Doha Amendment⁴⁰. As at 23 September 2016, seventy countries have ratified the Doha Amendment, accounting for 45.8% of the total number required for its entry into force⁴¹.

The COP 21 decided to make sure that the mitigation efforts were taken to the highest possible level before 2020, mainly by requesting insistently that Parties to the Kyoto Protocol which had not yet done so to ratify it and apply the Doha Amendment to the Kyoto Protocol⁴².

b. Compliance with commitments made in Bali and under the Cancún Agreements

In its 21st session, the COP reiterated its resolve as set out in decision 1/CP.19, paragraphs 3 and 4, to accelerate the full implementation of the decisions constituting the agreed outcome pursuant to decision 1/CP.13 and enhance ambition in the pre-2020 period in order to ensure the highest possible mitigation efforts under the Convention by all Parties; It requested all those Parties which had not yet done so to make and comply with mitigation commitments under the Cancún Agreements⁴³ and to participate in due course in the current measurement, notification and verification processes under the Cancún Agreements, to take stock of progress made in implementing mitigation commitments⁴⁴.

Reminder of the process which culminated in the Cancún Agreements

After the failure in Copenhagen to confirm the main elements of a post-2012 climate regime, the Cancún Conference resulted in a “balanced set” of decisions which the international community greeted with enthusiasm. Underlining the need for major reductions in global greenhouse gas (GHG) emissions and to apply urgent measures to accelerate and enhance the implementation of the Convention by all Parties, the COP 16 requested the developed country Parties to set more ambitious emission reduction targets for their economy as a whole,

Continued on page 13

40. IISD, 2015c, p. 11

41. UNFCCC, Status of the Doha Amendment [online]
http://unfccc.int/kyoto_protocol/doha_amendment/items/7362.php (last consulted on 5 October 2016)

42. Decision 1/CP.21, para. 105a

43. Decision 1/CP.21, para. 105b.

44. Decision 1/CP.21, para. 105e.

in order to reduce their global anthropogenic emissions of CO₂ and other GHG not regulated by the Montreal Protocol to a level compatible with the one stated in the 4th assessment report of the Intergovernmental Panel on Climate Change (IPCC)⁴⁵. With this in mind, the draft GHG emission limitations submitted to the UNFCCC Secretariat in 2010 by a number of countries were validated officially under the Convention. The developed countries submitted their projects as emission reduction objectives for their economy as a whole, mainly until 2020, whilst the developing countries proposed means of restricting the growth of their emissions as action plans.

The COP 16 in Cancún agreed that the developing country Parties would take appropriate national mitigation measures under sustainable development, supported and made possible by technologies, financial resources and capacity-building activities, to ensure that the emissions showed a clear gap by 2020 from those potentially produced if policies remained unchanged⁴⁶. The Cancún Decision requires the Parties not included in Annex I to submit their national communications every four years and their GHG inventories every two years, through their updated biennial reports⁴⁷.

According to the 2015 UNEP report on the emission gap, it is essential that all countries, especially the largest emitters of GHG, execute their commitments made in Cancún as much as possible for 2020 (and ideally exceed them)⁴⁸. But no country has to date stated its intention to increase the target announced in Cancún. For example, the EU announced, in Bonn (ADP 2-9, June 2015), that an increase in its ambitions was an option only possible for the post-2020 period⁴⁹.

Apart from the emission reduction objectives, the Cancún Agreements also introduced several new processes and institutions, including the Cancún Adaptation Framework, the Adaptation Committee and the Technology Mechanism, which includes the Technology Executive Committee (TEC)⁵⁰ and the Climate Technology Centre and Network (CTCN). Whereas the TEC supervises the assessment of technological needs and acts as a catalyst and promoter of technological cooperation, the CTCN advises the countries and facilitates the coordination between the national and regional technological development networks. Regarding adaptation, in 2010 the Parties adopted in the Cancún Adaptation Framework⁵¹ in order to, inter alia, improve their knowledge on ways of adapting to expected climate change and the tools available to encourage resilient development to these impacts.

45. Decision 1/CP.16, para. 37

46. Decision 1/CP.16, para. 48

47. Decision 1/CP.16, para. 60.

48. UNEP, 2015

49. Third World Network, 2015. *ADP: Conditions for increasing pre 2020 emissions target not met – says EU* [online] <http://twn.ifrik.org/climate-change/adp-conditionsincreasing-pre-2020-emissions-target-not-met-says-eu>

50. Decision 1/CP.16, para. 117

51. Decision 1/CP.16, para. 13

c. Technical Examination Process (TEP) on mitigation

It was decided at the 19th session of the COP to accelerate the activities planned in the WS2 work plan relating to the provisions of paragraphs 7 and 8 of Decision 1/CP.17, by launching and intensifying, with effect from 2014, the technical examination of measurement options with high mitigation potential, including those with beneficial fallout on adaptation and sustainable development⁵². This technical examination process for mitigation involves technical meetings of experts in regular sessions held on a variety of themes and focused on monitoring work to be carried out by the Parties, international organisations and partnerships throughout the year. Technical workshops for experts were therefore organised during the sessions of the ADP 2-4 (March 2014), ADP 2-5 (June 2014), ADP 2-6 (October 2014 and ADP 2-9 (June 2015)⁵³. These workshops covered, inter alia, the policies and opportunities to intensify the deployment of renewable energy and improved energy, opportunities in land use and allocation, the urban environment, possibilities for action in the GHG other than CO₂ and carbon storage.

Through the Lima Call for Climate Action, the COP 20 asked the ADP to make recommendations in relation to further advancing the technical examination process, including the periodic assessment of the technical expert meetings, to the Conference of the Parties at its twenty-first session⁵⁴. For the purposes of the Forum dedicated to means of making progress on the technical examination of measures of the high mitigation potential and to understand better the potential obstacles of implementation, the Parties made the most of a first meeting specifically aimed at discussing this matter organised in June 2015 to determine which specific issues should take priority in the technical expert meetings (TEM) to come and secondly, to identify the improvements that it would be possible to make.

During the talks in Paris, the Parties submitted a compromise text for the paragraphs relating to the participation of competent experts in the TEP, to engage the operational entities of the financial mechanism in the technical expert meetings and involve the two top-level champions to be named to give some impetus to the process, in preparing the summary for the policymakers⁵⁵. In terms of decisions made, the COP 21 required the enhancement, during the 2016-2020 period, of the current technical examination process for mitigation measures as defined by Decisions 1/CP.19 and 1/CP.20 by taking account of the most recent scientific data, especially in ⁵⁶:

- Encouraging the Parties, Convention bodies and international organisations to take part in this process, if appropriate in conjunction with the competent stakeholders not parties to the Convention, to exchange experiences and

52. Decision 1/CP.19, para. 5a

53. http://unfccc.int/focus/mitigation/technical_expert_meetings/items/8179.php

54. Decision 1/CP.20, para. 20

55. IISD, 2015e, p.10

56. Decision 1/CP.21, para. 109

suggestions, mainly from regional events, and to collaborate in facilitating the implementation of policies, practices and measures identified during the process in compliance with national sustainable development priorities;

- Setting out to improve, in consultation with the Parties, the access to and participation in this process of experts in developing country parties and entities not parties to the Convention;
- Requesting the Technology Executive Committee and the Climate Technology Centre and Network, in accordance with their respective mandates, to:
 - i) participate in the technical expert meetings and redouble efforts to help the Parties to accelerate the implementation of policies, practices and measures identified during the process;
 - ii) take stock regularly during technical expert meetings of the progress made to encourage the implementation of policies, practices and measures identified during the process;
 - iii) provide information on their activities under the process in their joint annual report to the Conference of the Parties;
- Encouraging the Parties to use the Climate Technology Centre and Network efficiently to seek help in preparing viable draft proposals on the economic, environmental and social plans in areas with a high mitigation potential that have been identified during the process;

To summarise, following the extension of the TEP on mitigation from 2015 to 2020 by the Conference of the Parties at its twentieth session⁵⁷, the Parties to the Convention have enhanced it in Paris given the importance of having available a mechanism for revising and assessing the effectiveness of the process.

d. Facilitative dialogue

Several developing countries insisted on the need to assess progress made by the developed countries in implementing the Convention in the context of the pre-2020 ambition before finalising the text of the agreement in Paris. This proposal for an assessment was rejected by the developed countries on the grounds that it was not useful but rather constituted a risk of duplication of efforts when considering the mandate being discussed for other processes which they felt were similar.

Following the talks in the Paris Committee after the closure of the ADP, the Parties examined a compromise proposal, including facilitation dialogue for use in examining the state of implementation of the Convention and the options for improving it further, by involving all the Parties but with stronger emphasis on the commitments of developed countries in terms of the pre-2020 efforts⁵⁸.

57. FCCC/CP/2014/10/Add.1, para. 19.

58. IISD, 2015e, p.12

The COP 21 decided to introduce a facilitation dialogue at the same time as the 22nd session of the Conference of the Parties to assess the progress made in implementing paragraphs 3 and 4 of Decision 1/CP.19 and identify the possibilities of increasing the financial resources provided, including for the development and transfer of technologies and for capacity-building. Such a dialogue is designed to identify the means of raising the level of ambition of the mitigation efforts of all the Parties, mainly by identifying the possibilities of increasing the input and mobilisation of support and instigating favourable frameworks.

This 2016 facilitation dialogue precedes and has different scope and objectives from those pursued by the 2018 facilitation dialogue decided by the COP 21 in conjunction with the NDC, mainly the organisation of a facilitation dialogue between the Parties to take stock of collective efforts deployed by the Parties to achieve the long-term objective stated in paragraph 1 of Article 4 of the Agreement and clarify the establishment of intended nationally determined contributions (INDC) in accordance with paragraph 8 of Article 4 of the Agreement.

e. Technical Examination Process on Adaptation

By Decision 1/CP.19, paragraph 41, the Conference of the Parties stated that it was resolved to raise the ambition level during the period up to 2020 by intensifying, from 2014 onwards, the technical examination of prospects for measures with a high mitigation potential, including those with beneficial fallout on adaptation and sustainable development. Although this decision refers to the beneficial fallout for adaptation, considering adaptation during the talks under the SA2 was not accepted by all the Parties. For example, several developed countries underscored during the 11th part of the second ADP session that adaptation should not be included in talks aimed at the WS2⁵⁹.

Despite this opposition to considering adaptation during talks relating to the WS2 in Paris, the discussions under the Paris Committee under the supervision of the presidency of COP 21 reached consensus. The first signs of consensus on this topic were felt when certain Parties opposed to considering adaptation showed flexibility later on to launch a technical examination process on adaptation, although there was still disagreements over its mode of governance. The views of the Parties differed on the content, institutional arrangement and timetable of a TEP on adaptation⁶⁰. The developed countries are happy with it being governed by the Adaptation Committee whereas from the point of view of developing countries, a joint SBI and SBSTA contact group must be set up with a central role for the Adaptation Committee.

59. IISD, 2015d, p. 9

60. IISD, 2015e, p. 10

At the end of the work of the Paris Committee, the Parties found mutual ground on a TEP for adaptation which gave added value, insofar as there was no duplication of work undertaken under the auspices of existing Convention bodies. The Parties highlight their rapprochement in using the institutional arrangements of the mitigation TEP for a TEP on adaptation, with a key role for the Adaptation Committee⁶¹. The Parties agreed that the technical expert meeting on mitigation could advise the proposed technical expert meeting on adaptation, with the caveat that the Parties continue to test and fine tune the elements of the existing technical expert meeting⁶².

The final decision adopted in Paris provides for launching in the 2016-2020 period a technical examination process of adaptation measures⁶³. This technical examination process will identify, wherever possible, the concrete opportunities to enhance resilience, reduce vulnerabilities and increase the knowledge and implementation of adaptation measures. The developing countries welcomed the setting up of this new TEP on adaptation, as for them adaptation is as important as mitigation. Some perceived these institutional links as potentially being able to transform the TEP, from “discussion forums” into “solution spaces”, where the mitigation and adaptation technologies and practices will be broadcast globally⁶⁴.

The COP 21 has asked the Adaptation Committee to combine the current arrangements for the work programmes, bodies and institutions governed by the Convention responsible for adaptation, study the means of taking them into account, find synergies between them and take the best possible advantage of them⁶⁵.

1.1.2 The Paris Agreement – form and legal implications

Created in 2011 in Durban, the ADP commenced work in 2012 and had as its main mandate to prepare for 2015 a new protocol, another legal instrument or an agreed outcome with legal force by virtue of the Convention, which would be applicable to all Parties through work stream 1 (WS1). The talks during the first sessions of the ADP that took place in 2012 and 2013 (ADP 1, ADP 1-2, ADP 2-1, ADP 2-2 and ADP 2-3) concentrated on the scope, structure, design of the Agreement of 2015, the links between the agreement of 2015 and existing institutional arrangements and elements outlined in paragraph 5 of decision 1/CP.17, among others, the adaptation, mitigation, means of implementation and transparency of measures and support.

One of the main elements of the development of the Paris Agreement was the invitation launched in Warsaw by COP 19 to the Parties to engage or broaden internal preparations of their intended nationally determined contributions (INDC). From this invitation, the “top-down” approach, strongly defended by the

61. IISD, 2015e, p. 12

62. IISD, 2015f.

63. Decision 1/CP.21, para. 124

64. IISD, 2015e, p. 50

65. Decision 1/CP.21, para. 130

most vulnerable countries, mainly the Small Island Developing States (SIDS) and the least developed countries (LDC), could no longer be envisaged to benefit the “bottom-up” approach, leaving the States the choice of defining the extent and nature of their contributions. The controversial reference to “intended nationally determined contributions”, which did not prejudice their legal nature, was presented as a amendment submitted verbally in the last minutes of the plenary closing of the ADP⁶⁶. The term “contribution”, as opposed to “commitment”, was the object of a division between developed countries and certain developing ones, in particular those of the Like Minded Developing Countries (LMDC). The fundamental questions such as the legal nature of the 2015 agreement and the means to differentiate commitments in an agreement “applicable to all Parties” remained outstanding.

Outside the invitation made to the Parties to communicate their INDC, the COP 19 requested the ADP to prepare the elements of a draft negotiation text as from its first session in 2014⁶⁷. Thus, in March 2014 during the fourth part of the second session of the ADP, targeted consultations open to all covering the elements mentioned in paragraph 5 of Decision 1/CP.17, among others mitigation, adaptation, financing, technology development and transfer, transparency, etc. were initiated in order to prepare the elements of a draft negotiation text in accordance with Decision 1/CP.19, paragraph 2a⁶⁸.

The first elements of the negotiation text of the 2015 agreement were prepared in December 2014 in Lima and contained in an annex to Decision 1/CP.20 called “Lima Call for Climate Action”⁶⁹. During the ADP 2-8 that took place in Geneva in February 2015, the Parties produced a provisional text of the agreement more than six months before the session that would approve it respecting thus the period for adoption during COP 21 of a text of agreement with legal tenure and legally binding internationally. The 9th, 10th and 11th parts of the second session of ADP enabled the Parties to pursue their work on the basis of the negotiation text in order to simplify it, eliminate redundancies and repetitions, present solutions and divergences better and clarify the proposals as much as possible. This work allowed the preparation of a simplified negotiation text but nevertheless containing a certain number of differences on the main key elements of the agreement. These differences among other related to:

- Consideration of the principle of equity and common but differentiated responsibilities in the context of the Paris agreement;
- The flexibility to be given to developing countries as related to their increase in levels of emission at present in order to meet development needs in terms of social and economic issues;
- The long term objective to limit temperature over pre-industrial levels from now until 2100, i.e.: 1.5°C or 2°C?

66. IISD, 2013, p. 34

67. Decision 1/CP.19, para. 2a

68. FCCC/ADP/2014/1

69. FCCC/CP/2014/10/Add.1

- As the long-term objective of reduction of greenhouse emissions reflected the effort on a collective level, several concepts were explored to translate this objective: de-carbonisation of the world economy, zero emissions net of carbon or even transformation of the economy along the low carbon/low emissions development path;
- The level of ambition and nature of mitigation objectives at the national level: is it necessary to talk about contributions or commitments of mitigation determined at national levels and options for implementing conditional components of INDC;
- Establishing or not of an international mechanism on loss and damage under the new agreement;
- The relation between the new system of transparency of actions and the support anticipated and the existing system for transparency;
- After the conclusion of works of the ADP at the 12th session of the second part of the ADP in the frame of the COP 21, the results of the work culminated in a draft agreement contained in what was named “*conclusions of Paris*”. The pursuit of talks under the presidency of the COP 21 enabled the adoption of the Paris Agreement.

As opposed to the Kyoto Protocol containing legally binding commitments with figures for the Parties registered in Annex B, the Paris Agreement commits all Parties to adopt internal measures with the aim of conducting mitigation objectives that are self determined. Several discussions brought to light the subject of the legal nature or legally binding character of the agreement that did not appear evident in the analysis of the text of the agreement. According to the observations of a certain number of delegates, the Kyoto Protocol had better intentions but its objectives were modest and only some countries had targets of mitigation. Whilst the mitigation approach by the NDC represents a more important participation, almost universal by the Parties to the Convention, their non legally binding nature and lack of collective ambition raised concerns⁷⁰. Numerous actors expected that the Paris Agreement would result in commitments in terms of mitigation and financing that would be legally binding. To this, they were reminded that such regulations did not necessarily guarantee implementation, regarding previous experience, but that they could on the contrary reduce participation, and the level of global ambition of the agreement.

Nevertheless, several considerations testify to the legal force of the Paris Agreement⁷¹:

- It is an international treaty under the Vienna Convention, subjected to the signature and national processes of ratification to guarantee its effectiveness. Elsewhere, its general structure is quite similar to a protocol even if it has not been clearly defined as such,

70. IISD, 2015e, p. 50

71. Bodansky, 2016

- As the majority of texts in international law, it contains provisions having obligatory force of law, and resolutions that are not binding, defined through different language used to translate the obligations: “must” or “should”,
- Several clear legal requirements appear through elements and processes that are interdependent in the architecture of the agreement, in relation to the objectives in the long term, the individual obligations of the Parties, the national reports and reviews, the processes of harmonisation of temporal horizons of the NDC towards a common calendar, the frame of transparency and accountability as well as the mechanism aimed at facilitating implementation and promoting respect of the obligations of the Parties. All of these provisions result systematically in a certain number of obligations for the Parties with respect to the international community.

The sophistication of the architecture of the Paris Agreement can be seen as a hybrid model reconciling the efforts that are “top down” and “bottom up”⁷². This architecture turned out to be the most efficient to reconcile the divergent views of the Parties and render the agreement acceptable to all, in particular to satisfy the American constitutional limitation⁷³ as well as the positions of certain developing nations, in particular LMDC. In effect, on one side the United States invoked legislative limitations to associate a legally binding agreement in the form of a protocol and on the other hand, certain developing countries wished to prevent any limiting initiative for a category of countries not adhering to Annex I of the UNFCCC.

Thus, the Paris Agreement was built on a more open and progressive approach. However, given that the Agreement must be ratified entirely without reservations, several analysts concluded that the legal form is globally binding once in force even though it contains elements that are not binding⁷⁴.

In clarity, distinction is made among the obligations of the Paris Agreement between elements that are binding and others that are not. Amongst the non binding elements one main one is financing⁷⁵ and emissions reduction⁷⁶ whilst as binding elements one can find the periodic communication of NDC at regular intervals of five years⁷⁷, transparency of actions and support⁷⁸. It is important to note the subtleness with which although there is an obligation of the Parties to communicate their NDC (Art 4.2), the implementation is not legally binding⁷⁹. In effect, the

72. See discussion by Bodansky, 2016, p. 18-20

73. Obergassel, et al., 2016

74. See Bodle, Donat, & Duwe, 2016; and Jeyaratnam, Whitmore, Hokpin, & Mountain, 2015

75. See Jeyaratnam, Whitmore, Hokpin, & Mountain, 2015; and Obergassel, et al., 2016

76. Obergassel, et al., 2016

77. Obergassel, et al., 2016

78. IDDRI, 2015

79. See discussion by Bodansky, 2016, p. 13-14

Agreement only required the Parties to adopt internal measures to mitigate in order to comply with the NDC objectives. According to the analysis by Galbraith⁸⁰, regarding article 4.2 of the Paris Agreement only the procedural aspect of the NDC is binding and there is no legal obligation concerning the substance of article 4.

I.2 Detailed analysis of the Paris Agreement and the operational modes by virtue of Decision 1/CP.21

The Paris Agreement resulting from talks under the Durban Platform launched in 2011 includes 29 articles which can be structured in three parts:

- The context, the principles, the objectives of the agreement dealing with the treatment of transversal questions;
- The main obligations according to the mandate of Durban relative to background questions, in particular mitigation, adaptation, financing, development and technology transfer, transparency of actions and support, and capacity building;
- The institutional, procedural and legal issues.

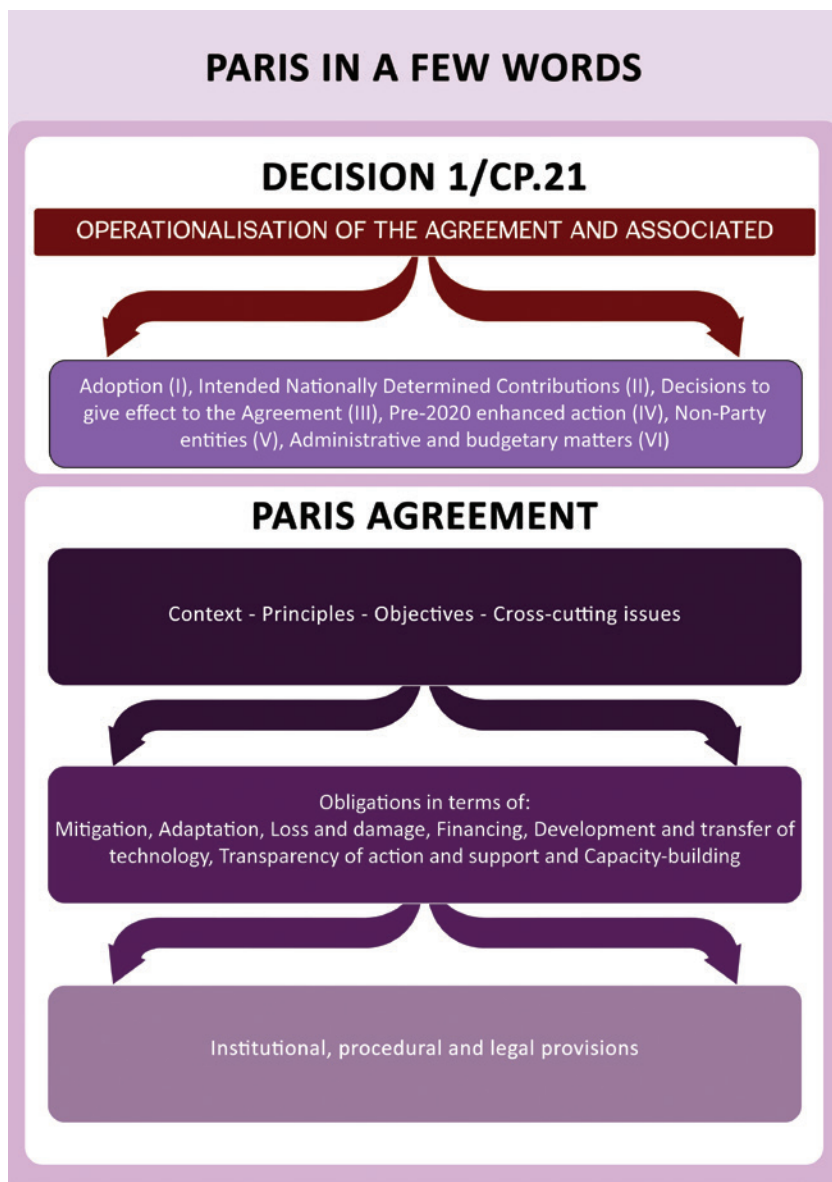
The Paris Agreement elsewhere considers emerging themes such as loss and damage and the creation of new mechanisms of cooperation including market mechanisms. This agreement is guided by an ascending approach (“bottom-up”) sustained by the principle of self determination of mitigation objectives and adaptation at the national level through NDC. It is accompanied by Decision 1/CP.21 aimed at giving it effect and outlining the actions to develop to facilitate entry into force and sustain implementation of its regulations.

The Paris Agreement is based on three main objectives indicated in its Article 2 which are inscribed in the larger context of implementing the UNFCCC, of sustainable development and fight against poverty:

- Contain the increase in average temperature of the planet considerably below 2°C compared to pre-industrial levels and pursue action to limit the increase in temperature at 1.5°C compared to pre industrial levels;
- Reinforce adaptation capacity to damaging climate change and promote resilience to these changes and to a development of low greenhouse gas emissions so as to prevent threats to food production;
- Render financial flows compatible with an evolution profile towards a development of low greenhouse gas emissions resilient to climate change;

80. Galbraith, 2015

Diagram 2. Paris in a few words⁸¹



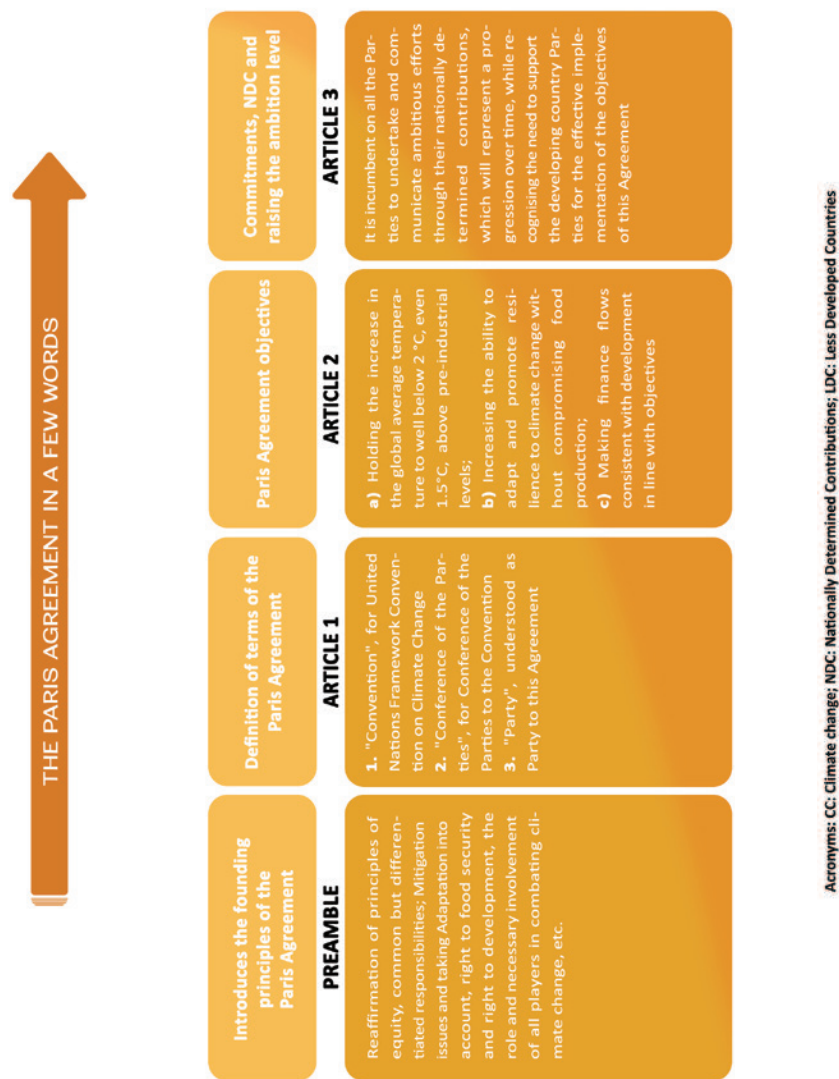
81. © ENERGIES 2050, October 2016

Diagram 3. Articles of the Paris Agreement⁸²

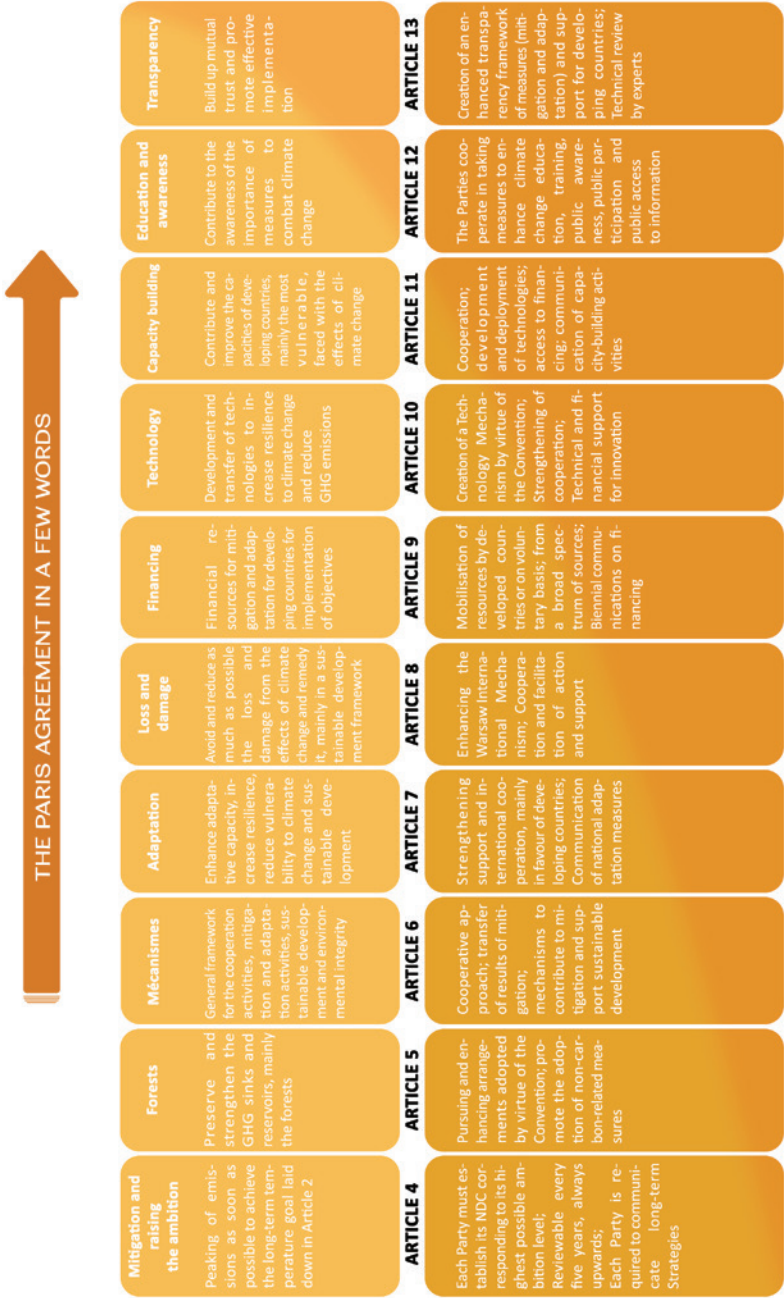
ARTICLES OF THE PARIS AGREEMENT	
Articles	Content
Preamble	Principles
Article 1	Definitions
Article 2	Objectives
Article 3	Commitments - NDC
Article 4	Enhancement of the mitigation ambition
Article 5	Forests
Article 6	New cooperation mechanisms
Article 7	Adaptation
Article 8	Loss and Damage
Article 9	Financing
Article 10	Development and transfer of technologies
Article 11	Capacity building
Article 12	Education and awareness
Article 13	Transparency framework
Article 14	Five-year global stocktake
Articles	Content
Article 15	Facilitation of implementation and compliance
Article 16	Governance
Article 17	Mandate of the Secretariat
Article 18	Subsidiary Bodies
Article 19	Other bodies formed to serve the agreement
Article 20	Signature and ratification
Article 21	Entry into force
Article 22	Amendments to the Agreement
Article 23	Amendments to the Annexes of the Agreement
Article 24	Settlement of disputes
Article 25	Right to vote
Article 26	Depositary for the Agreement
Article 27	Reservation to the Agreement
Article 28	Expiry
Article 29	Translation of the Agreement

82. © ENERGIES 2050, October 2016

Diagram 4. The Paris Agreement in a few words⁸³



83. © ENERGIES 2050, October 2016



Acronyms: NDC: Nationally Determined Contributions ; GHG: Greenhouse effect



Acronyms: GHG: Greenhouse gas

1.2.1 Preamble

The preamble of the draft negotiating text from the last session of the ADP before Paris contains a certain number of points of divergence. They are, among others, references: to vulnerability, and particular situations which many countries in development defend, differentiation, binding nature of the agreement, human rights, food security, use of lands, forestation, sinks and reservoirs, and carbon rating. A certain number of delegates underscored one or several concepts or terms they consider are outside the scope of the agreement of the Convention, or which are not “agreed” or defined internationally⁸⁴. Concerning considerations of special needs, a certain number of countries or groups of countries have insisted in vain on the recognition of their specificity in the preamble: Kyrgyzstan requested inclusion of vulnerability of mountain zones whilst the African Group let it be understood that the exclusion of “African countries” from preamble paragraphs on specific needs constituted “a red line”⁸⁵.

The continuation of talks of the Paris Committee under the chairmanship of COP 21 found a compromise on the preamble, which constitutes the basic structure of the Agreement. This preamble contains important issues and at times innovative ones of which certain were nevertheless difficult to include in the body of the text⁸⁶. Among others these refer to human rights, food security, rights of indigenous peoples, and the participation of the poorest populations. The inclusion of human rights in the preamble of the Paris Agreement makes it the first multilateral agreement on the environment to recognize them.

The preamble also includes concepts not traditionally considered to be “climate issues”, such as intergenerational equity, climate justice and right to health. In spite of this, the Agreement does not grant effect to rights everywhere, which was a disappointment in particular for defenders of gender who underscored that the final text omitted to mention gender sensitivity that appeared in a certain number of previous drafts⁸⁷.

Outside of the innovations mentioned, the preamble mentions among others:

- Consideration of the principles of the Convention, including the principles of equity and common but differentiated responsibilities and respective capabilities (CBDR-RC), in light of different national circumstances;
- The importance of conservation and reinforcement of greenhouse gas sinks and reservoirs considered in the Convention;
- The importance to monitor the integrity of all ecosystems including oceans and protection of biodiversity;

84. IISD, 2015e, p. 6

85. IISD, 2015e, p. 7

86. Bodle, Donat, & Duwe, 2016

87. IISD, 2015e, p. 49

- The intrinsic relation between climate change, sustainable development and eradication of poverty;
- The needs for modes of life, production and sustainable consumption as forming part of the climate solution

Regarding these different elements the Agreement recognizes the importance of nature as the necessary foundation for the survival of development of the human race. It also underscores that human society must play its role in the climate solution to the extent that the rights, responsibilities and equity have been considered in the answers to climate change.

It recognizes the specific needs of developing countries and the Agreement stresses those that are specially vulnerable to the terrible effects of climate change, as mentioned in the Convention concerning financing and technology transfer.

The issue of differentiation whose interpretation is not always unanimous remains mentioned in the Paris Agreement and will continue to give rise to debates. In effect, developed countries did not wish to continue with the existing differentiation (two annexes) whilst developing ones insisted on maintaining it. For developed countries, certain developing countries are today in a position to increase considerably their ambitions compared to what they do under the Kyoto Protocol. True, the need for developed countries to be at the helm whilst taking into account the national circumstances of developing countries has been recognized, but the latter, in particular emerging countries, fear that this leads to the creation of new legal obligations for them. Thus, without settling the issue of differentiation, the Paris Agreement leaves it open for continuing debates on the definition given to these principles of equity and the CBDR-RC, according to different national situations.

1.2.2 Article 2: Goal

The preparation of a draft article on the goal of the Agreement has seen disagreements not only on the existence of this article but also its contents. On one side, the United States prefers not to have any text, and has repeated during talks in Paris that the object must be reflected in the different sections of the Agreement⁸⁸. On the other side, there are countries that wish to have this article but cannot agree on the content.

One of the main points of disagreement concerns the definition of the long term objective of temperature limitation compared to pre industrial levels from now until 2100. The most vulnerable countries, in particular the LDC and SIDS in Paris defended the consideration of the objective of limitation to 1.5°C whilst the developed countries and some developing countries did not see the need to limit the increase to 1.5°C. Regarding the disagreements, certain countries proposed a draft decision demanding the Intergovernmental Panel on Climate Change (IPCC) to produce a special report on the impact of a limitation at 1.5°C, which Saudi

88. IISD, 2015e, p. 16

Arabia and others contested, not seeing its « added value » compared to evaluation reports of IPCC already in existence. In effect, given that IPCC has not, until its last assessment report, examined the feasibility of 1.5°C, certain countries consider that there are no scientific results showing the urgency of considering the limitation at 1.5°C. Decision 1/CP.21 thus invited IPCC to present a special report in 2018 on the consequences of global warming above 1.5°C compared to pre industrial levels and on scenarios of evolution of global emissions of greenhouse gases. IPCC has in the meantime accepted this invitation (see also section III.1).

In relation to the other elements of article 2, Venezuela opposed sustainable development stating that it “belongs to a different agenda” and goes beyond low emissions of GHG and climate resilience. Saudi Arabia and Pakistan for their part opposed the inclusion of “de-carbonisation” and the “neutrality in terms of carbon emissions”⁸⁹.

Following the work of the Paris Committee, the Parties agreed on a draft of this article 2 which was adopted. The objectives of the Agreement thus adopted aim mainly for three elements which are mitigation, adaptation and financing. The Parties to the Paris Agreement collectively commit to conduct actions awaiting the objectives mentioned, with levels of ambition regularly evaluated and reinforced on the basis of transparency.

Mitigation

One of the main compromises reached in Paris concerns the objective in the long term of limiting temperature compared to pre industrial levels from now until 2100 that conciliates the levels of discussion. Even when the first objective of going well below 2°C, the agreement recognizes the need to make efforts to reach the objective of 1.5°C, it being understood that this will reduce the risks and the effects of climate change considerably.

The SIDS, LDC and other groups of countries have always defended a more ambitious objective of limitation in the global average temperature. The emergence of scientific research in recent years on the risk encountered with the objective of 2°C has reinforced this position before and after the Paris Conference. The Paris Agreement ratified this long term objective requesting the Parties to pursue the actions made to limit the increase in global average temperature at 1.5°C compared to pre industrial levels, it being understood that this would reduce the risks and effects of climate change.

The Agreement defines a specific world target of mitigation in very clear terms: a balance between anthropogenic emissions and absorptions by sinks must be reached during the second half of the 21st century (see I.B.4).

All these targets are clearly more ambitious than what was expected before COP 21⁹⁰.

89. IISD, 2015e, p. 16

90. IISD, 2015e, p. 50

Is the objective of 2°C the safety limit that would prevent dangerous climate change?

The objective of 2°C has for long been presented as being the safety limit, identified by scientists, that would prevent dangerous climate change. According to Knutti, Rogelj, Sedláček, & Fischer⁹¹, this perception is erroneous because no scientific evaluation has clearly justified or defended the objective of 2°C, as being a safety level of the warming.

Dealing with the issue of feasibility of the objective of 1.5°C, certain studies have shown in fact that the two scenarios are economically and technically feasible at present⁹². It has in effect been demonstrated that in the context of rapid action, identical technologies are required for both options with the sole difference that reaching 1.5°C would need a deployment sooner by some ten years compared to that of 2°C⁹³.

For both scenarios, it is clear that there is strong economic motivation to take concrete initiatives as soon as possible. In effect, the sooner the efforts are made in implementing appropriate technology the lower the costs.

1.2.3 Article 3: NDC

The range of the INDC has constituted since Warsaw to Paris one of the contested issue in negotiations. The Paris Agreement allows the Parties to present their NDC under articles 4 (mitigation), 7 (adaptation), 9 (finance), 10 (adjustment and technology transfer), 11 (capacity building) and 13 (transparency). The implementation of the NDC at the national level constitutes one of the first stages to complete in order to guarantee the effectiveness of the Agreement. Once the first NDC have been communicated, strong expectations are placed on the countries to ensure the implementation as well as preparation of next cycles of communication of future NDC. The implementation of the NDC and the strategies of development for low carbon emissions and resilience to climate change require the commitment of all Parties as well as international cooperation. It requires the conversion of NDC into policies, strategies, programmes, projects, measures and initiatives that can contribute towards the objectives associated with the NDC.

The Paris Agreement provides the evaluation of collectives progress reached in the realisation of the object of the Agreement through periodic world assessments. The first world assessment is anticipated in 2023 and should be repeated every five years after that except if the COP adopts a different decision.

⁹¹. Knutti, Rogelj, Sedláček, & Fischer, 2015

⁹². Climate Analytics, 2016b

⁹³. Climate Analytics, 2016b

1.2.4 Article 4: Mitigation

In order to achieve the objective of long term temperature outlined in article 2, the Agreement seeks to bring the Parties to reaching a world ceiling of GHG emissions as soon as possible, and to operate reductions rapidly following this in accordance with the best scientific data available so as to reach a balance between anthropogenic emissions by the sources and the anthropogenic absorptions by the greenhouse gas sinks during the second half of the century on an equitable basis and in the context of sustainable development and fight against poverty.

The Paris Agreement does not assign mitigation objectives with figures on the Parties, nor does it define a global level of emissions to be reached. Rather it stresses the national mitigation plans on climate change through the INDC- which must be converted into NDC. The Agreement stipulates that the efforts of all Parties will represent a progression in time, recognising the need to help developing countries so that the Agreement is efficiently applied.

The approach of “Nationally Appropriate Mitigation Actions” (NAMA) can be used in the context of NDC in matters of mitigation. The decision aimed at making the Agreement effective notes with preoccupation that the levels of global emissions of GHG in 2025 and 2030 estimated on the basis of INDC are not compatible with the scenarios of less cost anticipating an increase in temperature of 2°C, and also notes that the efforts of reduction of emissions much more important than those associated with INDC shall be necessary to contain the increase in the planet’s temperature below 2°C or 1.5°C compared to pre industrial levels⁹⁴. Consequently, an effort must be carried out at all levels in order to transform the entire economic system into the realisation of the mitigation objectives. The role of means for implementation: financing, investments, and innovative instruments both domestic and international, capacity building and technology transfer for this, shall be determining factors to this effect.

Obligations in terms of reduction of emissions of GHG

The Agreement commits the Parties to communicate their NDC at intervals of five years, and to pursue measures of mitigation at the national level in order to make their contributions which should not only always progress in comparison to previous efforts, but also adjust to take into consideration the results of the world assessment which will evaluate and aggregate global progress. Decision 1/CP.21 aimed at making effective the Paris Agreement invites the Parties to communicate their first NDC no later than at the time of depositing their ratification, adherence and or approval of the Agreement. The INDC submitted by the Parties before the conclusion of the Paris Agreement shall be considered as being their first NDC unless said Parties decide differently.

In order to harmonise the temporal horizons of the NDC, the decision commits the Parties, whose submitted INDC comprises a calendar until 2025, to communicate a new NDC and those whose INDC comprises a calendar up to 2030, at least to adjust it and then do so every five years in accordance with paragraph 9 of

94. Decision 1/CP.21, para. 17

article 4 of the Agreement. The Conference of the Parties serving as a meeting of the Parties to the Paris Agreement (CMA) is responsible for examining the common calendars for the NDC at its first session.

The Agreement gives very little detail on the elements of the NDC requesting developed countries to continue showing the way by assuming the objectives of emission reduction in absolute figures on the scale of the economy whilst the developing countries must continue to increase their efforts of mitigation and are encouraged to move progressively to objectives of reduction. The Ad Hoc Working Group on the Paris Agreement (APA) has the mandate of formulating other directives on the characteristics of contributions determined at the national level for examination and adoption by the CMA at its first session⁹⁵.

Strategies of development for GHG emissions

The Agreement also commits all the Parties to formulate and communicate between now and 2020 strategies for development of low GHG emissions in the long term considering their common but differentiated responsibilities and respective capabilities, in respect of the different national situations and keeping in mind the three main objectives defined in article 2.

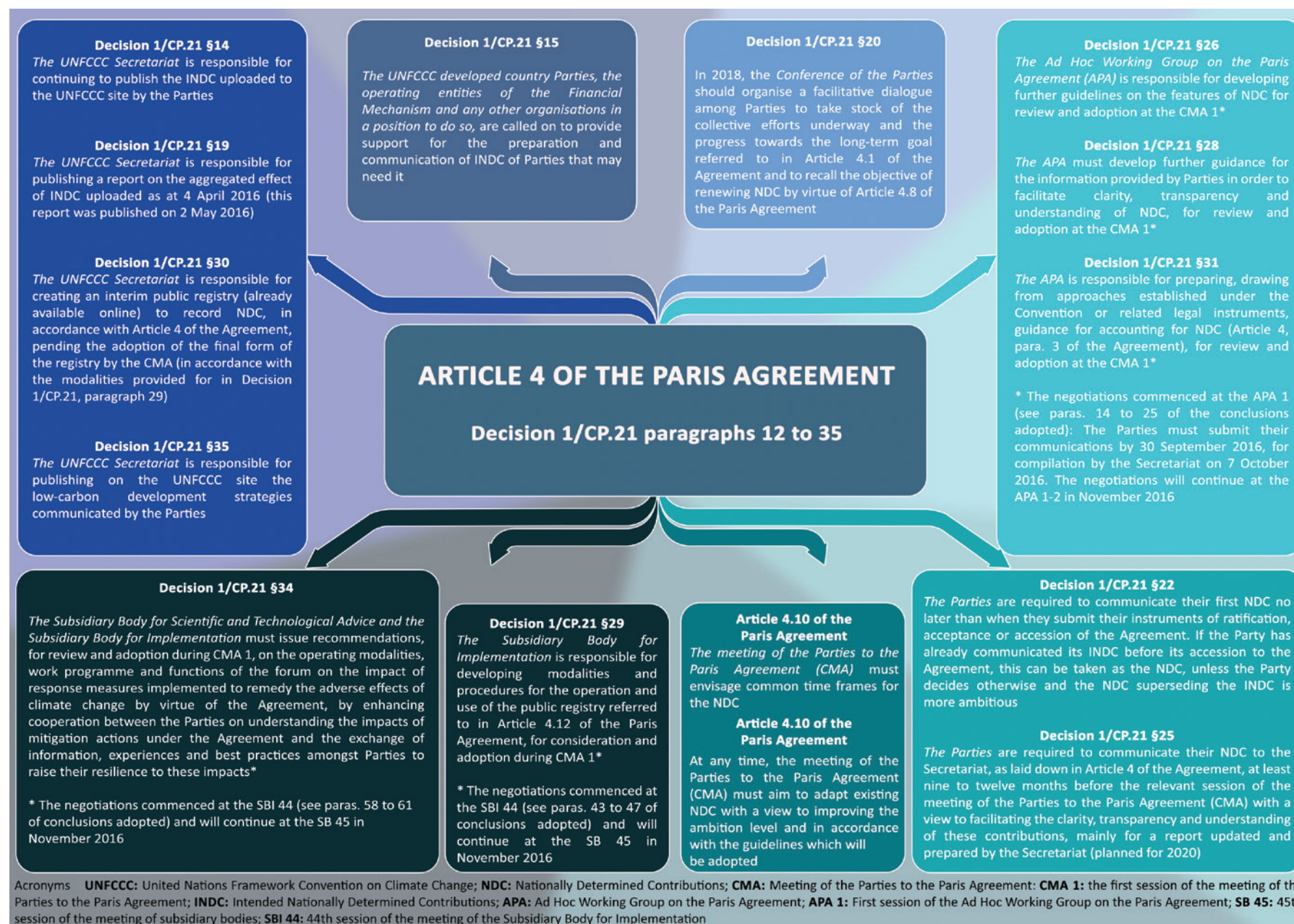
Summary of the aggregate effect of INDC

The summary report of aggregate effect of INDC produced by the Secretariat of the UNFCCC on 2 May 2016 taking into consideration the INDC communicated by the Parties up to 4 April 2016, underscores on one hand that the measures currently taken by countries do not allow the realisation of ambitions associated with INDC, which would demand taking additional measures. This report adds that if, between now and 2030, the Parties do not reinforce the mitigation measures beyond what is provided for in the contributions, it will still be possible to maintain the increase in temperature under 2°C but with higher costs. In effect, according to the scenarios of the 5th report of IPCC, in these conditions it will be necessary to bank on rates of reduction of annual emissions and costs considerably higher than those in the scenario of reduction at least cost, operated as from today or in 2020. Consequently, efforts of reduction of emissions higher than those associated to the contributions must be deployed after 2025 and 2030 to expect to maintain the increase in temperature under 2°C compared to pre industrial levels.

To summarise, even when there is considerable improvement compared to current commitments by countries, compared to a scenario without the INDC that would lead to warming of + 3.6°C, a considerable effort in terms of ambition remains to be done, in order to reach the objective of 1.5°C/2°C. Also, the Paris Agreement has provided for a mechanism for the ambition aimed at ensuring that the NDC be regularly, and as soon as possible, revised upwards. Besides, it is clear that neither inaction nor late action are favourable to reaching these objectives in the most economically efficient manner.

95. With the entry into effect of the Paris Agreement on 4 November 2016, the CMA1 shall take place in Marrakesh.

Diagram 5. Operationalisation of Article 4 of the Paris Agreement and Decision 1/CP.21, paragraphs 12 to 35⁹⁶



I.2.5 Article 5: Forests

The initial goal of the REDD+ mechanism was to reduce emissions from deforestation and forest degradation in developing countries. The mechanism was established by Decision 2/CP.13 in 2007 and was developed further by subsequent decisions of the Convention. By Decision 1/CP.16, the Conference of the Parties defines further the REDD+ activities which target reduced emissions from deforestation and forest degradation in developing countries and include the role of conservation, sustainable forest management and development of forest carbon stocks in developing countries⁹⁷. Decisions 9/CP.19 and 15/CP.19 set out the Warsaw Framework for REDD+, which led to more significant progress in implementation aspects of the REDD+ mechanism.

The talks held in Paris to maintain all this progress were heated. To everyone's satisfaction, the Paris Agreement ratified the progress made under the REDD+ by inviting the Parties to take measures to apply and enhance, mainly by results-based payments, the existing framework defined in the directives and relevant decisions already adopted under the Convention⁹⁸. In the plenary session to adopt the Paris Agreement, Panama, on behalf of the Coalition of Rainforest Nations, stated that the REDD+ implementation mechanism would allow the State and non-State players to participate and serve the communities which depend on ecosystem services provided by the rainforests⁹⁹.

To secure the financing of forest-related mechanisms, Decision 1/CP.21 recognises the importance of suitable, predictable financial resources, including results-based payments, if appropriate, to implement general approaches and positive incentives to reduce emissions from deforestation and forest degradation whilst encouraging the coordination of the support from, inter alia, public and private, bilateral and multilateral sources like the Green Climate Fund (GCF) and other sources, in application of the relevant COP decisions.

I.2.6 Article 6: Cooperation mechanisms: market and "non-market" mechanisms

Operating modalities of Article 6 of the Paris Agreement and Decision 1/CP.21, paragraphs 37 to 40

A certain number of Parties and observers view Article 6 of the Paris Agreement as central in achieving the ambition stated in the Agreement's objectives and still necessary to the contributions of the majority of the different Parties. The article sets out three new mechanisms. It offers the countries the possibility of voluntary cooperation in implementing mitigation activities (cooperative approaches)¹⁰⁰,

97. Decision 1/CP.16, para. 70

98. Decision 1/CP.21, Annex, Paris Agreement, Art. 5, para. 2

99. IISD, 2015c, p. 14

100. Decision 1/CP.21, Annex, Paris Agreement, Art. 6, para. 1-3.

it establishes a “mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development” (frequently called Sustainable Development Mechanism, SDM)¹⁰¹ and lastly recognises non-market-based approaches¹⁰².

Market mechanisms are not fundamentally new in the Paris Agreement, but the international community has gained experience through market mechanisms which it created under the under the auspices of the Kyoto Protocol and which allow Parties to generate and/or trade emissions reduction units, commonly called “carbon credits”. They are the Joint Implementation (JI) and the Clean Development Mechanism (CDM).

Existing flexibility mechanisms under the Kyoto Protocol

The Kyoto Protocol flexibility mechanisms include:

- international emissions trading. Countries concerned by the objectives of reduction of GHG emissions have the possibility to sell their emission rights, if they have surpassed their objective, or to buy some, if they cannot reach it.
- Clean Development Mechanism (CDM). This allows developed countries to purchase carbon credits from mitigation projects implemented in developing countries and use these credits against the emission objectives. The CDM is monitored by an Executive Board and the allocation of credits is based on a very elaborate system of international rules.
- Joint implementation (JI). The JI functions on the same principal as the CDM, but relates to the trading of carbon credits between two developed countries, generated by projects carried out in one of these countries (the one with the lowest marginal costs in emissions reduction, normally a country in transition towards a market economy).

A source of inspiration: the history of the CDM and the JI

In 2005 the CMP adopted the modalities and procedures for implementation of the CDM and the guidelines for the implementation of the JI during the 1st Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP). These rules had already been applied previously as they emerged from the 2001 Marrakesh Accords and had been interpreted by the CDM Executive Board, which had registered the first CDM projects in 2003. When they were adopted, the Parties also planned that the SBI would recommend amendments to the modalities and procedures for a CDM as well as for the JI guidelines for the second commitment period of the Kyoto Protocol. Thus, certain recommendations were adopted by the CMP 10 in Lima while other questions still outstanding were examined in Paris to allow the closing of the reform process.

101. Decision 1/CP.21, Annex, Paris Agreement, Art. 6, para. 4-7.

102. Decision 1/CP.21, Annex, Paris Agreement, Art. 6, para. 8

The modalities and procedures of the CDM have been undergoing revision since 2012 following the adoption of new guidelines in 2010. This process has been led by the CDM Executive Board which recommended modifications to the modalities and procedures to the CMP on a regular basis. These last years, recommendations relative to projects have put the emphasis on aspects linked to social and environmental integrity, to the governance of the CDM and to facilitating access to the mechanisms by the countries or regions under-represented or having benefited little from these mechanisms.

The negotiation channels in the framework for the various approaches, the new market and non-market-based approaches: from Bali to Paris

In addition to the existing mechanisms under the Kyoto Protocol, the Parties expressed their opinions on the introduction of new instruments during the Bali Conference (2007):

- a centrally-governed mechanisms according to the UNFCCC modalities and procedures
- a decentralised organised framework allowing bilateral initiatives

On this basis, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) defined both the New Market Mechanism (NMM) for a set of uniform bottom-up rules at UNFCCC level and the Framework for Various Approaches (FVA) as defined by the individual parties, as well as the non-market-based approaches.

The following distinction is made between two instruments – the NMM and the FVA:

- the NMM aims to create a unique market system guided by modalities and procedures prepared and agreed multilaterally. The NMM should meet both the need to intensify the mitigation measures and enhance host country ownership and involvement and to increase the mitigation ambition level. The NMM should be a mechanism under the central control of the UNFCCC guided by fundamental principles together with detailed rules and institutional procedures defined clearly multilaterally. Fundamentally, the negotiations over the NMM focused on the objective of achieving genuine, net mitigation globally by approaches at project, programme and full sector scale.
- the FVA implies the existence of many mitigation approaches or initiatives existing together and which follow common principles established by guidelines or internationally-defined standards.

The negotiations on the NMM were the starting point for the SDM and those on the FVA served as basis for the cooperative approaches of Article 6 of the Paris Agreement.

History of the mechanism governed by the UNFCCC: from NMM to Article 6 paragraph 4

A work programme was launched in Bali for the non-market-based instruments. The idea for such a mechanism was created in reaction to the scepticism of certain Parties regarding market mechanisms. To day, the discussions on the non-market-based approaches remain non-specific, but the principle has been retained in the Paris Agreement.

Although for many parties these new tools should play a major role towards a new global climate agreement, the discussions had stalled before the Paris Conference. There was an implicit expectation that the NMM should cover “broad sections of the economy”, but to date no definition has yet been agreed on the exact meaning of the term. Negotiations hardly progressed at all on the NMM between COP 17 and COP 21 due to political deadlock by certain countries, which maintained that the development of new market mechanisms could only continue if the Annex I countries increased their ambition level and provided the promised climate financing. Enthusiasm for the NMM was also limited by the fall in the price of CDM credits and quotas in the European trading system. This led to the countries calling for the demand for CDM credits to recover before a new mechanism could add new credits. In 2012, the COP 18 in Doha gave the SBSTA the task of designing modalities and procedures for an NMM. The options proposed for the NMM design included variations in credit and trade approaches. However, neither COP 19 nor COP 20 put forward detailed modalities and procedures for the NMM. The developments from this period are described below.

A technical document summarising a workshop held in October 2013 prepared by the UNFCCC Secretariat offers a good oversight of points of convergence as well as of questions requiring further discussion¹⁰³. In general, the NMM was going to address the following approaches:

- Nationally appropriate mitigation actions (NAMA) credited
- Sectoral approaches
- Approaches based on political mitigation instruments
- Net mitigation approaches
- The activities of the REDD+ system
- The approaches founded on projects and programmes, including small-scale activities

The submissions by the Parties built up a certain mutual understanding on the future role of market mechanisms. Most Parties seemed to agree on a design of a mechanism that deals with mitigation activities not limited to individual projects and which were going to enhance the mitigation ambition level. The European Union (EU) stipulated a mechanisms for credits at entire sector level, i.e. a sectoral

103. UNFCCC, 2013c

trading mechanism whereby sanctions would be applied to the host country in a failure to comply; trading permits would be allocated ex ante, the responsibility for achieving the objectives would be sent to the issuers via a domestic emissions trading scheme or strict mitigation policies; gaps could be plugged by acquiring quotas abroad and a potential surplus could be sold. On the other hand, a sectoral credit approach would imply a voluntary “no-loss” target with no sanction for failure to comply. Credits would be allocated ex-post and only when mitigation objectives were exceeded.

Other parties also put forward other concepts and approaches. Colombia suggested adopting a discounting approach with a sectoral and sub-sectoral scope¹⁰⁴. Brazil suggested a sectoral mechanism based on voluntary cancellation of credits – a simple approach which could undoubtedly be implemented without major transaction costs. Brazil’s proposal was not approved during the COP 19¹⁰⁵. Brazil however advocated a mechanism founded on the enhanced clean development mechanism (CDM+) in a submission prior to the COP 20¹⁰⁶, despite acknowledging that its proposal would require further in-depth preparation. Ecuador proposed a Net Avoidance Emission Mechanism, which would basically allow credits to be reclaimed to avoid having to exploit fossil fuel resources. The flagship initiative of this type, the Yasuni National Park Initiative, was however abandoned at the end of 2013 by Presidential Decree due to a lack of international financial support.

Halfway through 2015, the question of existing and new market mechanisms in a new climate agreement became a topic of dissent within the negotiations. It was far from clear whether the Paris Agreement was going to recognise market mechanisms, even at the most basic level. Several Parties seemed to think that a clearer understanding of the form and content of the Paris Agreement and its mitigation ambition was needed before being able to decide on the details for such mechanisms. Others argued that one of the principal objectives of market mechanisms would be to simulate mitigation efforts further and help the Parties to comply with their emission reduction goals.

Despite the deadlock in technical discussions on the NMM, the Parties regained confidence in terms of the major role that the markets could still play in the Paris Agreement when the INDC published before the COP 21, mainly by industrialised countries, showed a desire to commit to significant emission reductions. These major commitments required flexibility in how to achieve these contributions, however – which market mechanisms could offer (see the draft negotiation texts¹⁰⁷). The draft texts which emerged during 2015 referred to both existing and new mechanisms. This meant that elements of the reformed CDM would be more relevant in the new agreement than predicted by certain observers before 2015.

104. UNFCCC, 2011b

105. Brazil, 2013

106. Government of Brazil, 2014

107. UNFCCC, 2015e

History of the mechanism not governed by the UNFCCC: from the Framework for Various Approaches (FVA) to the cooperative approaches of Article 6, paragraph 2 of the Agreement

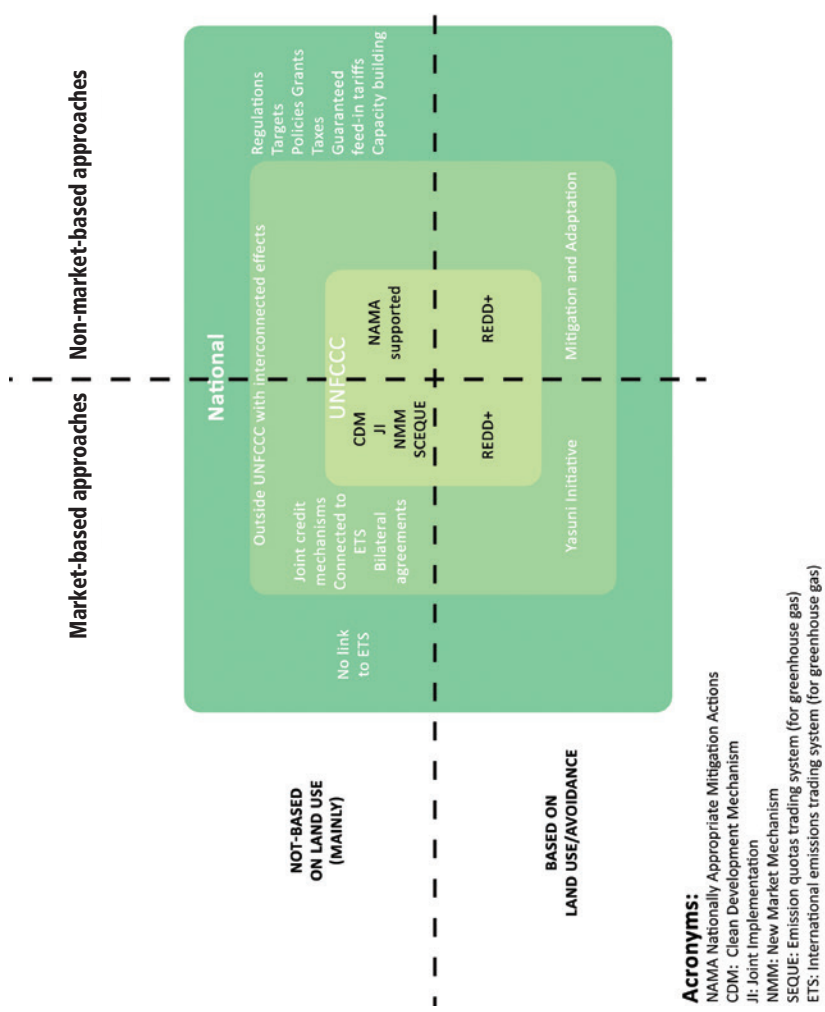
At the same time as a mechanism under centralised UNFCCC governance, the COP 17 envisaged proposing a Framework for Various Approaches (FVA) as a platform for recognising the various market-based mitigation mechanisms which numerous countries intended to develop individually, partly outside the UNFCCC architecture. The COP 17 requested the SBSTA to run a work programme relating to the various approaches to improve the effectiveness of the costs of mitigation measures. The SBSTA work programme to prepare the FVA was mandated by the next COP (COP 18) and since then the SBSTA has been examining the possible technical design elements for such a framework¹⁰⁸.

Although the number of activities that can currently be covered by the FVA is limited (the best known is the Japanese initiative known as Joint Crediting Mechanism (JCM)), the Framework for Various Approaches could also include the miscellaneous emission trading schemes under development – often supported by the World Bank's Partnership for Market Readiness – and the regional, national and even sub-national trading systems (for example, in China, Australia, California and the Canadian provinces). Lastly, the credited NAMA have also been envisaged under the Framework for Various Approaches (FVA).

The FVA therefore represented an approach to prevent the fragmentation of mechanisms, by establishing – under the UNFCCC – a framework offering minimum transparency, environmental integrity and comparability of efforts. The scope of the FVA remained at the time even less concrete than the NMM, but once negotiations started, there was consensus on the need to insist on environmental integrity, not to cover purely national measures and to use the FVA at least as a platform for sharing information between the Parties. The next UNFCCC illustration give an idea of all initiatives which were envisaged and which could potentially emerge under the auspices of the FVA.

108. UNFCCC, 2014b

Diagram 6. Initiatives envisaged under the auspices of the FVA¹⁰⁹



Despite the lack of progress, almost deadlock in negotiations on market mechanisms during the negotiations in Lima in 2014, the countries little by little became aware that market mechanisms could be used as a tool in producing their INDC. A substantial number of Parties also predicted a role for market mechanisms under the implementation of their INDC. These new dynamics probably had little influence on the decisions of the COP 21 in Paris.

109. © ENERGIES 2050, October 2016 – According to UNFCCC, 2013d

This was the tricky context in which the COP 21 in Paris adopted Article 6 of the Paris Agreement – a set of new provisions for the future role which both market mechanisms and the non-market-based mechanism would play in implementing the Agreement and under the auspices of the UNFCCC in general. To a large extent, the conclusions of Paris on these questions seems to reflect the previous discussions on the NMM, FVA and non-market-based approaches. Ultimately, the magnitude of this article will remain a surprise, even for the most ardent defenders of these mechanisms. How was such a reversal possible?

The negotiations on the market and non-market-based mechanisms in Paris

The negotiation text only emerged at the last minute at the Paris Conference, during the final night of negotiation of the COP 21, slightly before the text of the Agreement was submitted to the President of the COP for final approval and for submission to the delegates for acceptance on 12 December 2015. Several factors can explain why provisions for market instruments were dealt with at the last minute:

- The perception – driven by sound reasons – that the topic was extremely important for the environmental integrity associated with the Paris Agreement,
- The existence of many lateral connections with other major questions dealt with in the Paris Agreement,
- The desire of certain Parties to hold this aspect of the negotiations hostage to force concessions on other issues,
- The ideological opposition of certain Parties to including an market instrument provision.

The provisions relating to the markets and the non-market based approach instruments, which figure in Article 6 of the text of the Paris Agreement, can be considered as a major, unhoped for success. Throughout 2015 and even during the COP 21, people held out little hope of seeing even just a small reference to anything involving the markets.

Article 6 of the Paris Agreement is the subject of a detailed work programme in the decision of the COP 21. As always, the preparation of detailed guidelines and of the modalities and procedures will involve debates to interpret and develop what was agreed in Paris.

Submissions by Parties which have contributed to the formulation of Article 6

A number of submissions contributed to the emergence of the final version of Article 6, namely a) Brazil (November 2014), b) AOSIS (December 2015), c) EU and Brazil (8 December 2015), d) LMDC (9 December 2015), e) Panama (9 December 2015) and f) Japan (4 September 2015).

Common principles of all the instruments under Article 6

Article 6.1 provides a general framework for cooperation activities and an umbrella for subsequent provisions. It lists activities relating to mitigation and adaptation. Sustainable development and environmental integrity are defined as targets to be promoted and pursued. Article 6.11 imposes no restriction on the market-based approaches.

In accordance with Article 6.1, the cooperative approaches are intended to contribute to increased ambition in implementing national contributions. The exact definition of the relationship between the market mechanisms and the NDC will play a key role in the debate on environmental integrity and must culminated in a new definition or an improvement in additionality rules set up during the CDM.

Promoting sustainable development is given as the second general principle of activities planned under Article 6, paragraph 2. It is also mentioned in paragraphs 6.2, 6.4 and 6.8, which gives it broader scope in the Paris Agreement than in the Kyoto Protocol. Operationalising this requirement without repeating the difficulties encountered in the context of the CDM will be an essential task for the forthcoming negotiations.

The major difference between the mechanisms provided for in Article 6, paragraphs 6.2 and 6.4 will be mainly their different degrees of regulations. Article 6.4 provides for central governance by the United Nations, whereas Article 6.2 simply provides for the UNFCCC to direct the process and request transparency. Both mechanisms have the same principles: they must contribute to a greater ambition and demonstrate robust accounting and environmental integrity.

Note on the absence of the term “market” in the Agreement text

The Paris Agreement literally makes no explicit reference to the term “market” in that it does not figure in the text. This is neither exceptional nor new: the Kyoto Protocol did not refer to this term either. However, the expression “engaging on a voluntary basis in cooperative approaches between the Parties to achieve their NDC” offers a place to the international cooperation mechanisms for mitigation, both market-based and non-market-based.

Analysis of cooperative approaches (Article 6, paragraph 2)

The concept of cooperative approaches is widely open to interpretation. The Parties are free to carry out mitigation activities on a bilateral or group basis and transfer the mitigation results at their convenience. Cooperative approaches can play a role in executing NDC, but this role has not been defined.

By virtue of the Paris Agreement, cooperative approaches are not subject to a specific UNFCCC monitoring process. Having said that, paragraph 6.2 states expressly that the transactions take place within an accounting system yet to be developed. Huge importance is also given to the transparency of both activities and the transfer of mitigation outcomes. Guidelines on these principles must be prepared and adopted by the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement. In terms of the central requirements for a robust accounting system, the main objectives of paragraph 6.2 would be to ensure transparency of mitigation activities, the avoidance of double counting and that the cooperative approaches contribute to a higher ambition level.

Analysis of the mechanism established in Article 6, paragraph 4 – the Sustainable Development Mechanism (SDM)

The mechanism established in paragraph 6.4, called by some Sustainable Development Mechanism (SDM) is placed under the supervision of the United Nations. A complete set of rules, modalities and procedures must be developed. This recalls the requirements and rules for implementation developed for the CDM. The intention to allow private and public entities to participate in the SDM once more and other main elements in the mechanism indicate a possibility of basing the SDM on the experience of the CDM. The text of the decision accompanying the Agreement even requests that the rules, modalities and procedures to be developed are based on “*the experience gained with and lessons learned from existing mechanisms and approaches adopted under the Convention and its related legal instruments*”¹¹⁰. Clearly the previous sources of experience are the CDM and the Joint Implementation (JI) mechanism of the Kyoto Protocol.

This decision gives the SBSTA the mandate to prepare the mechanism’s modalities and procedures for submission and consideration during the first meeting of the CMA. The text of the decision evokes important principles which must be respected, namely that the reductions must be “*real, measurable, and long-term*”. In addition, the reductions must be additional, the activities must have a precise scope yet to be defined and they must be verified and certified by Designated Operational Entities (DOE), as is the case under the CDM.

Nevertheless, the SDM is basically a new market mechanism. This is true when considering that both the host party and the purchasing party will have defined a contribution and that the SDM should contribute to the global net mitigation. Contributions to the net mitigation by the host parties can be achieved through an explicit agreement or by a mitigation effect of an activity which does not mean the issue of negotiable certificates.

110. Decision 1/CP.21, para. 37f

Key aspects of the Sustainable Development Mechanism (SDM)

- The aim is to promote the reduction of greenhouse gas emissions whilst fostering sustainable development (Art. 6.4a)
- The SDM is supervised by an institution under the UNFCCC (corresponding to the CDM Executive Board) and the mechanism generates payment of an adaptation tax (Art. 6.6)
- Authorisation of public and private entities by the Party (Art. 6.4b)
- Overall mitigation of global emissions (Art. 6.4d) (~ net mitigation)
- The rules, modalities and procedures will be developed by the CRA based on
 - Real, measurable and long-term reductions
 - Definition of the field of activities
 - Additionality
 - Verification and certification by EOD
 - Application of the experience of the Kyoto mechanisms
 - Réductions réelles, mesurables et à long terme

Overall mitigation of global emissions (Art. 6, paragraph 4d)

Paragraph 4d of Article 6 requests the SMD to deliver an overall mitigation in global emissions. This seems to suggest that the mechanism should not allocate emission credits for all the completed reduction. Such an arrangement was explored under the JI, but no consensus was reached on this point.

The overall mitigation of emissions could raise the ambition level beyond the sum of NDC of parties participating in the mechanism. Nevertheless, this question also relates to the appropriate accounting. The real outcome for the atmosphere will only be positive if the accounting system is robust and if the NDC do not produce “hot air” (for example, due to underestimated basic items) or if non-additional activities have been credited. The introduction of provisions requiring a cancellation could be a way of reaching such a contribution to the overall mitigation.

INDC/NDC and market mechanisms

Most Parties have welcomed using market instruments in their NDC and therefore are considering using the instruments of Article 6 of the Agreement. Among these Parties, 67 were already determined to use the market mechanisms when submitting their INDC or NDC to UNFCCC.

Table 2. Number of INDC or NDC which indicate use or non-use of market instruments (as per the IETA “INDC tracker”, 9 August 2016)

Number of Parties	Reference to the market instruments in INDC and NDC
67	Yes
7	Use in long term not at INDC level
17	Use to be considered
53	No reference to market instruments
17+EU	Indicate that they are not going to use the market instruments in the implementation of their INDC or NDC

A vision for the SDM: Re-establish demand and mobilise new investments

Faced with the hesitation in using market mechanisms and at the same time huge support for their inclusion in the Paris Agreement, a clear vision of the actual role of the SDM must be developed. The value of credits in the long term must be certain so that the SMD can enhance the mitigation efforts and delivery a high ambition. To ensure the good quality of credits and contributions to sustainable development, these prices should include premiums for activities which are recognised for their contributions to sustainable development.

The public credit acquisition programmes should be expanded and support early action by the SDM (for example, the programmes of Norway, Sweden, Switzerland and the World Bank called Ci-DEV and PAF).

The SMD represents a market-based instrument, but it can also serve as a tool to obtain financing of results-based mitigation measures. For these measures, the mitigation units should be cancelled voluntarily by the purchasers of units looking for climate financing. This approach is currently only supported by a few international institutions, but it is important for the key institutions to break down the ideological walls and create the link between the carbon market and climate financing. This means that high-quality mitigation activities would be available for climate financing and compatible measuring, reporting and verification systems (MRV) could be developed whilst transaction costs would drop.

Analysis of non-market-based approaches (Article 6, paragraph 8)

Unlike the cooperative approaches or the SDM, the non-market-based approaches do not allow the transfer of mitigation results. The potential implications of this and the way in which such approaches could affect international cooperation remain a topic for future analyses and consultations. The expectations from measuring, reporting and verification approaches (MRV) and any accounting system require clarification.

Numerous terms introduced into the two paragraphs have no definition and no history in international negotiations. This is especially true for the term non-market-based approaches which according to the text should be “*integrated, holistic and balanced*”.

1.2.7 Article 7: Adaptation

The question of adaptation to the inevitable consequences of climate change was one of the major issues in Paris. At the request of the developing countries, the questions of adaptation were increasingly considered of equal importance and in the same way as the questions of mitigation. To this effect, a certain number of provisions have been included in the Agreement, which for all that, remain mainly qualitative. Considering adaptation among the three primordial objectives of the Agreement signifies decisive recognition of the urgency of adaptation. With this in mind, the Paris Agreement establishes for the first time a global goal on adaptation of enhancing adaptive capacity, strengthening resilience to climate change and reducing vulnerability to this change. Article 7.4 of the Agreement recognises the link between the mitigation ambition level and the adaptation needs but includes no quantitative element, mainly in terms of financing.

In terms of main guidelines, the Agreement establishes that action towards adaptation should follow an approach which is driven by the countries, sensitive to gender equality, participative and totally transparent and which takes into consideration vulnerable groups, communities and ecosystems. It should also take account of and be inspired by the best scientific data available and, if appropriate, traditional knowledge, the know-how of indigenous peoples and local knowledge systems, with a view to incorporating adaptation into relevant socio-economic and environmental policies and measures, if necessary. In terms of planning, each Party should, as appropriate, submit and update periodically an adaptation communication which could set out its priorities, its implementation and support needs and its projects and measures without imposing an additional burden on the developing countries. The communication on adaptation can be incorporated in a national adaptation plan, an NDC and/or a national communication.

Progress of adaptation efforts towards the goal of Article 7 will be analysed during the global stocktake every five years. However, the overall assessment of individual efforts and needs in relation to such a qualitative long-term objective and the lack of precise indicators could prove to be difficult to achieve. Technical and methodological work will be necessary during sessions of future talks on this question.

1.2.8 Article 8: Loss and damage

Questions of loss and damage have been debated intensely between the various groups of Parties in UNFCCC talks. Firstly, there are Parties which maintain that certain countries will only be able to adapt partially to the effects of climate change, not simply due to lack of means but because some impacts are still unpredictable.

The consequences of these unpredictable impacts can be catastrophic with major costs. These parties thus support taking into account loss and damage when adaptation seems impossible. Secondly, there are Parties which do not wish to separate loss and damage from adaptation.

Numerous developing countries headed by those in Africa, AOSIS and LDC, believe that it would be opportune to implement financial and technical processes to compensate the economic costs incurred for loss and damage linked to certain intense climatic phenomena or that are gradual¹¹¹ and where adaptation will be impossible. Thus, during the 18th session of the Conference of the Parties held in Doha in 2012, the negotiators were given the mandate to discuss an institutional arrangement by virtue of the UNFCCC to deal with questions of loss and damage induced by climate change¹¹².

In Warsaw in 2013, the COP 19 set up the Warsaw International Mechanism for Loss and Damage with the goal of dealing with loss and damage associated with extreme catastrophes and slow onset events¹¹³. The role of the mechanism set up under the Convention is to promote the implementation of approaches to deal with loss and damage associated with climate change through the following functions: development of knowledge and understanding of approaches associated with risk management, strengthening the dialogue, coordination and coherence between the different stakeholders, development actions and support, including financing, technology and capacity building.

No clear consensus of the Parties emerged before Paris on the question of loss and damage¹¹⁴; the Parties recognise the importance of including the issue in the talks in Paris but disagreement exists in knowing if the loss and damage will be integrated in an agreement that will have force of law or rather form part of a decision adopted by the COP¹¹⁵. For example, the groups of countries, following the example of AOSIS and LDC, state they are in favour of an option considering loss and damage separately from adaptation and even call for the addition of a specific chapter to the agreement of 2015¹¹⁶. The EU opposes this idea and has suggested rather adding an option to the negotiated draft that lays down that the notion of loss and damage should simply not appear in it¹¹⁷.

111. IISD, 2015c, p. 7

112. Decision 3/CP.18, para. 9

113. Decision 2/CP.19

114. IISD, 2015a, p. 7

115. France and Peru, 2015. Aide-mémoire: *Second informal ministerial consultations to prepare COP21*, p. 6-9. Paris, 2-7 September 2015. [online] <http://www.cop21.gouv.fr/fr/file/1276/download?token=mM6nlwjN>

116. IISD, 2015c, p. 7

117. IISD, 2015b, p. 6

Certain countries also wished that an indemnification scheme be instigated by the Executive Committee on Loss and Damage¹¹⁸, which met for the first time on 24-26 September 2015¹¹⁹. The LDC also suggested placing particular emphasis on indemnifying countries affected by slow onset climatic phenomena¹²⁰. Australia, United States, Switzerland and the EU suggested rather limiting considerations concerning loss and damage to decisions taken by the COP, including one which would adopt the permanence of the Warsaw Mechanism as an integral part of the new agreement after 2020¹²¹.

Consideration of loss and damage in the Paris Agreement

Considering loss and damage in the Paris Agreement in a separate article from the one on adaptation is a major step taking account of residual, potentially irreversible impacts of climate change in the vulnerable developing countries.

The Agreement places the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts under the authority of the CMA. It will monitor its guidelines and may subsequently be enhanced in accordance with its decisions.

The Parties should improve the understanding, action and support, especially through the Warsaw International Mechanism in the framework of cooperation and facilitation, with respect to loss and damage associated with the harmful effects of climate change. The work of the Executive Committee during the next sessions could fuel this thinking and culminated in concrete progress.

However, the decision aimed at giving effect to the Agreement states that this article specific to loss and damage cannot give rise to nor serve as a basis for any liability or indemnification¹²², thereby appeasing temporarily the concerns of certain Parties over the possibility of future compensation and facilitating progress in the discussion on this topic.

1.2.9 Article 9: Financing

The provision of financial support and other implementation means is the third objective of Article 2 of the Paris Agreement, to make finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development. This provision, according to Bodle, Donat, & Duwe (2016)¹²³, sends a strong signal to the private sector to review and refocus its investments.

118. IISD, 2015c, p. 19

119. http://unfccc.int/adaptation/workstreams/loss_and_damage/items/9073.php#Meeting1

120. IISD, 2015c, p. 7

121. IISD, 2015a, p. 7

122. Decision 1/CP.21, para. 52

123. Bodle, Donat, & Duwe, 2016

One of the major issues in financing questions was whether or not to enlarge the contributors' club. The developed countries, which have traditionally been required to provide financial assistance to the developing countries, have required the agreement to state the contribution of a certain number of developing countries with economic indicators comparable to those of other so-called developed countries. The targeted developing countries are opposed to any obligation in the matter and insist on the voluntary nature of any financial contribution made by them. Ultimately, the Paris Agreement has not jeopardised the provisions of the Convention which restate the primary responsibility of developed countries in providing developing countries with financial resources, for both mitigation and adaptation purposes, in continuation and with an increase of their obligations under the Convention and to existing commitments (mainly the promise of 100 billion made in Copenhagen). The "other Parties" are at best invited to provide or continue to provide voluntary financial support.

The Agreement also calls for a balance between adaptation and mitigation in the provisions of financial resources, taking into account country-driven strategies and the priorities and needs of developing countries, especially those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the LDC and the SIDS.

The Paris Agreement offers the Parties the option of using a broad spectrum of sources, instruments and channels, through sundry actions, whilst bearing in mind the crucial role of public sources. Under pressure from the most vulnerable countries, Article 9.4 also recognises the importance of public and grant-based sources for adaptation. The Agreement places greater emphasis on the public sources by requesting the developed countries to communicate transparent, coherent information every two years on the support provided to the developing countries and raised by public interventions. This information will be communicated in accordance with the modalities, procedures and guidelines that the CMA will adopt at its first session.

Just like for the mitigation and adaptation actions, the global stocktake will also take into account the assessment of implementation means. In this respect, the developed countries are called on to continue to communicate every two years indicative quantitative and qualitative information, mainly on the projected amounts of public financial resources for the developing countries. The other Parties which provide resources on a voluntary basis are invited to communicate this information every two years, also on a voluntary basis.

Although the Paris Agreement requires individual communications of quantifiable information, it makes no mention of information quantified on the overall financing needs. Only the decision accompanying the Agreement, in paragraph 54, stipulates that the developed countries intend to continue their current collective mobilisation objective until 2025 with a view to concrete mitigation measures and transparent implementation. A new quantified collective objective based on a lowest level of 1000 billion dollars a year, is provided for before 2025. The modalities and parameters to determine such an objective are yet to be determined.

The Convention's Financial Mechanism, including its operating entities, is called on to fulfil the functions of the Financial Mechanism of the Paris Agreement. As such, paragraph 59 of the decision giving effect to the Paris Agreement considers that the Green Climate Fund and the Global Environment Facility, the entities responsible for operating the Financial Mechanism, along with the Least Developed Countries Fund (LDCF) and the Special Fund for Climate Change (SFCC), can combine to implement the Paris Agreement. In terms of the potential role by the Kyoto Protocol Adaptation Fund in implementing the agreement, the talks in Paris did not reach a final conclusion. Thus, the Paris Agreement leaves the door open for developing future arrangements submitted to the CMP and the CMA for consideration. Decision 1/CRP.11 also recommends that the CMA considers at its first session how the Adaptation Fund can contribute to the application of the Paris Agreement, in accordance with paragraphs 60 and 61 of Decision 1/CP.21.

1.2.10 Article 10: Development and transfer of technology

Since the adoption of the UNFCCC in 1992, the development and transfer of technology has been deemed a core component in its implementation and in achieving its objectives.

In 2001, in Marrakesh, the work of the Conference of the Parties culminated in an agreement on a "technology transfer framework" which covered technology needs assessments, technology information enabling environments, capacity building and mechanisms for technology transfer¹²⁴. The Marrakesh Accords also provided for setting up an Expert Group on Technology Transfer (EGTT) responsible for defining the means to move technology transfer activities forward by virtue of the Convention.

At the COP 14 in 2008, the Parties launched the Poznań Strategic Programme on technology transfer (PSP) as a step towards increasing the volume of investments in technology transfer, to assist the developing countries in meeting their needs for environmentally-sound technologies¹²⁵. The 50 million dollar financing of the programme had three goals: help the developing countries in running evaluations of technical needs, carry out priority technological pilot projects and broadcast the UNFCCC experiences in successful technology transfers¹²⁶.

The successful examination of the PSP encourage the negotiators to establish a Technology Mechanism in 2010 during the COP 16 in Cancun. The Technology Mechanism, which became fully operational in 2012, aims to facilitate the implementation of technological mitigation and adaptation activities. It is broken down into two branches: a Technology Executive Committee (TEC) and a Climate Technology Centre and Network (CTCN). It has become the kingpin of the UNFCCC technology.

124. UNFCCC, 2001

125. UNFCCC, 2010

126. GEF, 2010

In addition, the modalities and procedures of the Clean Development Mechanism (CDM) of the UNFCCC Kyoto Protocol which emerged from the Marrakesh Accords also permits a certain number of possibilities of transfer of technologies required to reduce GHG emissions by offering a legal framework and a market for the Parties¹²⁷.

Three fundamental questions, which have been negotiated for decades, were addressed during the COP 21 in Paris. Two of them were the subject of decisions in the Paris Agreement and the accompanying decision, mainly enhancing the development of climate technologies and transferring them via the Technology Mechanism, together with the links between the Technology Mechanism and the Financial Mechanism of the Convention; the question of intellectual property of climate technologies is still pending.

The negotiations relating to the definition of global and national objectives and the identification of relevant indicators for the transfer of technology did not reach concrete decisions under the Paris Agreement.

Article 10 of the Paris Agreement notes the importance of technology in implementing mitigation and adaptation measures and recognises efforts to deploy and disseminate technology, strengthening cooperative action on technology developing and transfer and the role of the Technology Mechanism created by virtue of the Convention in the Agreement.

It was decided in Paris to strengthen the Technology Mechanism and the Technology Executive Committee and the Climate Technology Centre and Network were entrusted with supporting the application of the Agreement and undertaking new work including, *inter alia*¹²⁸:

- a) Technology research, development and transfer;
- b) Developing and building up of endogenous capacities and technologies.

A technology framework responsible for giving general guidelines to the work of the Technology Mechanism to promote and facilitate enhanced action in technology development and transfer, in support of the implementation of the Agreement and for the purposes of the long-term vision, was created¹²⁹.

Decision 1/CP.21¹³⁰ entrusted the SBSTA with preparing, at its 44th session (May 2016), the technology framework instituted in application of Article 10, paragraph 4 of the Agreement and to make its conclusions known to the Conference of the Parties so that it can submit a recommendation on this framework to the CMA for examination and adoption at its first session, given that the framework should facilitate, *inter alia*:

127. UNFCCC, 2011c

128. Decision 1/CP.21, para. 66

129. Decision 1/CP.21, Annex, Paris Agreement, Art. 10.4

130. Decision 1/CP.21, para. 67

- a) The execution and updating of technological needs evaluations and enhanced implementation of their outcome, especially action plans and technology project ideas, by preparing projects acceptable to the banks;
- b) The provision of enhanced financial and technical support in implementing the outcome of technological needs evaluations;
- c) The evaluation of technologies ready for transfer;
- d) The introduction of more favourable conditions and the elimination of obstacles to developing and transferring socially- and environmentally-sound technologies.

Given the major role to be played by this new framework in the Paris Agreement, it is essential in the implementation of Decision 1/CP.21, paragraph 67 to rely on the acquired results and progress made by the previous technology framework from the Marrakesh Accords and the work and evaluations by the EGTT and to avoid any duplication of missions and efforts between the Technology Mechanism and this Technology Framework.

- In addition, paragraphs 9 and 10 of Article 13 on the Transparency of action and support state clearly that:
- The developed Parties must, and other Parties which provide voluntary support should, communicate information on the support provided in the form of financial resources, technology transfer and capacity building to the developing country Parties under Articles 9, 10 and 11.

The developing country Parties should communicate information on the support they need and which they have received, in the form of financial resources, technology transfer and capacity building under Articles 9, 10 and 11.

It must therefore be emphasised that even if the Parties did not reach agreement on a global objective for technology development and transfer or in defining national and global monitoring indicators, the work to be carried out under Decision 1/CP.21¹³¹ on preparing guidelines for the Transparency network and for the Global Stocktake¹³² will be an opportunity to use the progress made by the Technology Mechanism and the Technology Framework to succeed with the necessary evaluations and provide relevant recommendations to move the technology development and transfer agenda forward.

1.2.11 Article 11: Capacity-building

Capacity-building should be driven by the countries, take into account and satisfy national needs and encourage the ownership by the Parties, especially for the developing countries, mainly at national, infra-national and local levels. It should be inspired lessons learned from experience, mainly capacity-building activities performed under the Convention, and represent an effective, iterative, participative,

131. Decision 1/CP.21, paras. 94-94.

132. Decision 1/CP.21, paras. 99-101.

transversal and gender-equality sensitive process. The Parties are called on to cooperate in order to increase the capacity of developing country Parties in implementing the Agreement. The developed countries should enhance their support for capacity-building measures in the developing countries.

The Paris Agreement invites all the Parties which assist developing countries with their capacity-building to communicate regularly on these capacity-building measures or initiatives. The developing countries should regularly provide information on progress made in the application of capacity-building plans, policies, initiatives or measures to implement this Agreement.

The Paris Agreement provides for appropriate institutional provisions for the capacity-building activities which, based on the pre-existing provisions under the Convention, help to bring about the application of the Agreement. At its first session, the CMA will examine and adopt a decision on the initial institutional provisions relating to capacity-building.

I.2.12 Article 12: Public education, training, awareness and participation

The Paris Agreement emphasises the cooperation of the Parties by taking measures, as appropriate, to improve public education, training, awareness and participation and access by the population to information on climate change, given the importance of such measures in enhancing the action engaged under this Agreement.

I.2.13 Article 13: Transparency of measures and support

The Paris Agreement establishes an enhanced transparency framework for action and support. It includes the preparation and communication of regular reports on national GHG inventories, the implementation of NDC, the financial support provided and received and the adaptation efforts implemented by the countries.

The transparency framework is based on the provisions for transparency already provided for under the Convention and enhances them, given the particular situation of LDC and SIDS. The transparency framework must be applied in a spirit of facilitation, which can be neither intrusive nor punitive, and which must respect national sovereignty whilst avoiding imposing an excessive burden on the Parties.

In terms of obligation, the decision intended to give effect to the Agreement provides for all the Parties, excluding the LDC and SIDS, to submit information on the transparency of action and support as appropriate, but at least every two years¹³³.

The developed Parties must, and other Parties which provide voluntary support should, communicate information on the support provided in the form of financing, technology transfer and capacity building to the developing countries.

133. Decision 1/CP.21, para. 91

To examine the information communicated by each Party, the Paris Agreement establishes a technical review of the support provided by the Party in question, as appropriate, and on the implementation and execution of its NDC. This review will highlight areas for potential improvement for the Party in question and checks that the information communicated complies with the modalities, procedures and guidelines which will be prepared by the Ad Hoc Working Group on the Paris Agreement (APA)¹³⁴. The APA is also in charge of setting the year for the first review of information provided by the Parties and consecutive reviews and updates, as appropriate, at regular intervals.

In terms of accounting measures, only the case of NDC has been addressed in paragraph 31 of Decision 1/CP.21 and the APA has been entrusted with preparing additional specific directives, for example for the mechanisms created or for the land use and land-use change.

1.2.14 Article 14: Global Stocktake

The Paris Agreement provides for the evaluation of collective progress made in executing the purpose of the Agreement through periodic global stocktakes. The first global stocktake is anticipated in 2023 and should be repeated every five years after that except if the COP adopts a different decision. Prior to the first global stocktake, a facilitation dialogue between the Parties is planned for 2018, to take stock of collective efforts by the Parties to achieve the long-term objective set out in Article 4, paragraph 1 of the Agreement and clarify the establishment of NDC.

The transparency framework and the global stocktake have been described by some as “the ambition mechanisms” of the Agreement. The dual obligation of declaring and assessing mitigation, adaptation and support measures every five years constitutes a collective evaluation of executions and necessary efforts¹³⁵.

1.2.15 Article 15: Facilitation on the implementation and compliance

Apart from the global stocktake, the facilitation mechanism instituted by the Paris Agreement to facilitate its implementation and promote compliance with its provisions is a significant arrangement. This mechanism will comprise a Committee that is expert-based and facilitative in nature and will function in a transparent, non-adversarial and non-punitive manner. It will pay particular attention to the respective national circumstances and capacities of Parties.

The Committee will operate under the modalities and procedures to be decided by the CMA during its first session. The Committee will report annually to the CMA.

134. Decision 1/CP.21, para. 92

135. IISD, 2015e, p. 50

I.2.16 Articles 15 to 22: Institutional provisions and final clauses

A mechanism has been instituted under the Paris Agreement to facilitate the implementation and promote compliance with the provisions of the Agreement. This mechanism comprises a Committee that is expert-based and focused on facilitation and functions in a transparent, non-adversarial and non-punitive manner. The Committee pays particular attention to the respective national circumstances and capacities of Parties. The Committee operates under the modalities and procedures laid down by the Conference of the Parties serving as a meeting of the Parties to the Agreement at its first session and will report to it every year.

Just like under the Kyoto Protocol, the Secretariat is going to convene the first CMA session on the occasion of the first session of the Conference of the Parties planned after the entry into force of the Agreement.

Subsequent ordinary sessions of the SMA will coincide with the ordinary sessions of the Conference of the Parties. The CMA can, nevertheless, hold extraordinary sessions at any other time when it deems this necessary or if a Party so requests in writing, provided that this request is supported by at least one third of Parties within six months of it being communicated to the Parties by the Secretariat.

The SBSTA and the SBI created by Articles 9 and 10 of the Convention act, respectively, as the SBSTA and SBI of the Paris Agreement.

The Paris Agreement was opened for signatures at the Headquarters of the United Nations in New York on 22 April 2016 and will remain open until 21 April 2017¹³⁶. It will enter into force on the thirtieth day following the date on which at least 55 Parties to the Convention, representing a total of at least an estimated 55% of all global GHG emissions, deposit their instruments of ratification, acceptance, approval or accession¹³⁷.

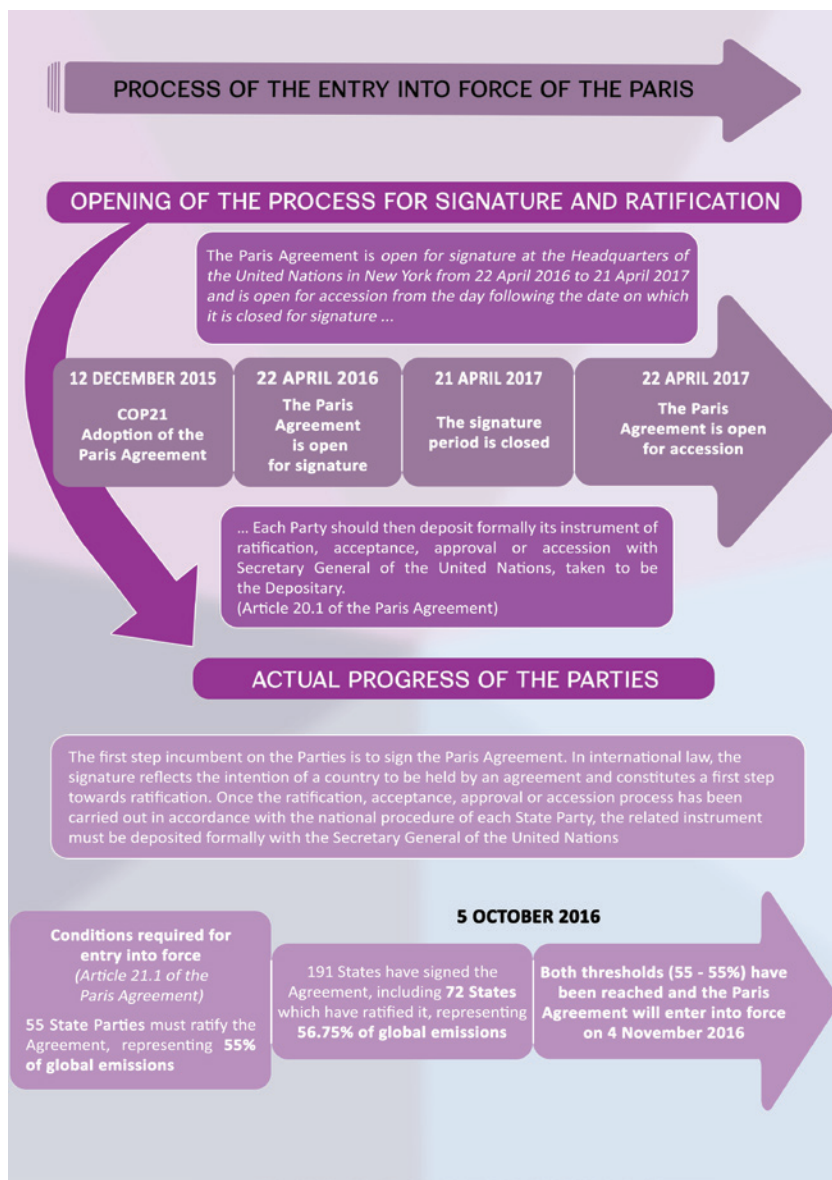
As at 5 October 2016, 191 Parties out of 197 have signed the Paris Agreement, including 72 Parties, which together account for 56.75% of the total of global GHG emissions¹³⁸, which have deposited their instrument of ratification, acceptance, approval or accession with the Depositary. Thus, both thresholds in Article 21 of the Paris Agreement have been passed, opening the way for the Paris Agreement to enter into force on 4 November 2016.

136. Decision 1/CP.21, Annex, Paris Agreement, Art. 20, para. 1

137. Decision 1/CP.21, Annex, Paris Agreement, Art. 21, para. 1

138. http://unfccc.int/paris_agreement/items/9485.php

Diagram 7. Process for the entry into force of the Paris Agreement¹³⁹



139. © ENERGIES 2050, October 2016

Part II.

Issues of permanent subsidiary bodies

II.1 Issues related to the SBI

II.1.1 Exchange of views focused on facilitation under the international consultation and analysis process

During the SB 44 session in May 2016, the Parties to the Convention were able to participate in the very first exchange of views focused on facilitation under the international consultation and analysis process¹⁴⁰. This process, established during the COP 17 in Durban in 2011, aims mainly to enhance the transparency of mitigation measures implemented by the countries not included in Annex I¹⁴¹ to the Convention. Starting from a participative, Party-driven approach, the efforts highlighted by the developing countries are firstly communicated via a biennial updated report (BUR) and then analysed by a team of technical experts (TTE) under modalities which are neither intrusive nor punitive and which respect national sovereignty¹⁴².

The first exchange of views focused on the BUR of thirteen developing countries, namely South Africa, the former Yugoslav Republic of Macedonia, Azerbaijan, Bosnia-Herzegovina, Brazil, Chile, Ghana, Namibia, Peru, Republic of Korea, Singapore, Tunisia and Vietnam¹⁴³. Most countries taking part in the exchange of views underlined, during individual presentations, the need for international financial support in their own national processes, mainly in respect of improving their national measuring, reporting and verification (MRV) system¹⁴⁴.

Following the technical analysis process by the TTE in conjunction with each of the Parties in question, each Party received written questions from all their counterparts from the Convention based on a succinct report submitted by the

140. SBI, 2016

141. Decision 2/CP.17, Annex III

142. Decision 1/CP.16, para. 63

143. SBI, 2016

144. UNFCCC, 2016a

TTE and each party to the SBI¹⁴⁵. These questions, received by the thirteen developing countries, were reviewed during a meeting in May 2016 and related to numerous issues, including¹⁴⁶:

- (i) institutional arrangements in place to prepare the BUR;
- (ii) the design of national MRV systems;
- (iii) the national GHG emission inventory improvement plans; and, in association
- (iv) their needs for capacity-building to implement the 2006 IPCC guidelines; and
- (v) the ex-post evaluation of the implementation of their mitigation measures.

The exchange of views on Friday 20 and Saturday 21 May 2016¹⁴⁷ was an opportunity for the thirteen developing countries to answer the questions put to them transparently and, for some questions received prior to the exchange of views, in writing. This question and answer process gave the Parties a better understanding of the noted difficulties and shortcomings confronting these thirteen developing countries and was also a chance for them to learn more about the experience lived and acquired, the lessons learned from compiling the BUR and the optimum practices used¹⁴⁸.

It seems therefore that the process has demonstrated its relevance for two issues in particular. Firstly, holding a first exchange of views gave the developed countries a better understanding and knowledge of the needs of their developing counterparts on the implementation of measures to limit their GHG emissions and their financing needs to achieve this. The process was then an opportunity, for developing countries yet to submit their BUR or where the TTE technical analysis with Party feedback was in progress, to find out more about the potential challenges and to benefit from the experience acquired by their counterparts. As at 3 October 2016, the succinct reports from Andorra, Argentina, Lebanon and Mexico were also available, but no exchange of views had yet taken place between the Parties¹⁴⁹.

145. See the *Summary and technical reports* [online]
http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php

146. See *Record of facilitative sharing of views* [online]
http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php

147. To see the record of the exchange of views, see [online]
http://unfccc6.meta-fusion.com/bonn_may_2016/events/2016-05-20-10-00-facilitative-sharing-of-views-day-1

148. UNFCCC, 2016a

149. See *Record of facilitative sharing of views* [online]
http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php

Updated biennial reports

The Cancún Decision (2010) requires the Parties not included in Annex I to submit their national communications every four years, and their GHG inventories every two years, through their updated biennial reports (BUR)¹. The national communications are not however examined specifically, as is the case for the Parties included in Annex I. During the COP 17 in Durban in 2011, the Parties agreed that the first BUR from developing countries should undergo such an examination from December 2014 onwards. The LDC and SIDS should decide collectively whether they wished to submit their report produced at their own discretion to examination of this type². As at 22 September 2016, 34 Parties not included in Annex I had submitted their updated biennial reports³.

The BUR consists of (i) an update of national greenhouse gas inventories, mainly a national inventory report; (ii) information on action taken; (iii) noted needs; (iv) needs and aid received in terms of financial, technological and capacity-building resources⁴.

The BUR are submitted as separate updated reports or as a summary by certain parties of national communications during the year where the national communication is submitted by the Party. Once the BUR have been submitted by the Parties, a Technical Team of Experts (TTE) starts a technical examination. The TTE must submit to the Party in question a summary report within three months of it starting its work⁵.

The Party then has another three months to review the report and formulate its comments on its contents. A final period of three months can be used by the TTE and the Party in question to draft, together, a final version of the summary report. This is then submitted to the SBI for publication on the website of the Convention⁶. The other Parties may use this summary report as a basis for formulating their questions prior to a workshop specific to the exchange of views intended to facilitate the international consultation and analysis process arranged by the SBI at regular intervals⁷.

1. Decision 1/CP.16, para. 60

2. Decision 2/CP.17, para. 41

3. See the BUR [online] http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php

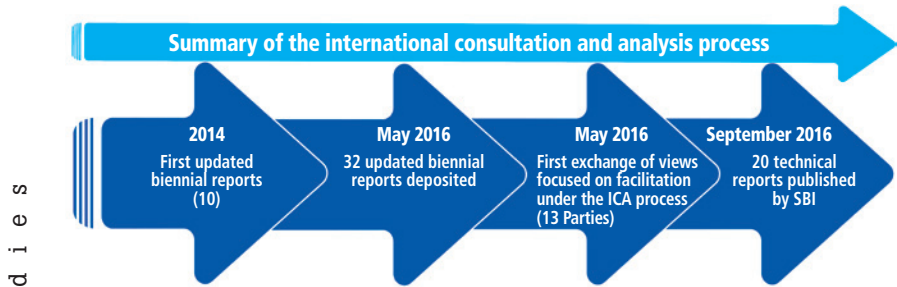
4. Decision 2/CP.17, Annex IV

5. Decision 20/CP.19

6. See the *Summary and technical reports* [online] http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php

7. Decision 2/CP.17, Annex IV

Diagram 8. Summary of the international consultation and analysis process¹⁵⁰



II.1.2 Modalities and procedures for the operation and use of the public registry referred to in Article 4, paragraph 12 of the Paris Agreement and Article 7, paragraph 12 of the Paris Agreement

To implement the Paris Agreement, the Parties agreed during the COP 21 that all would be required to “*undertake and communicate ambitious efforts*”¹⁵¹ with respect to six issues, namely:

- (i) the reduction of their collective GHG emissions¹⁵²;
- (ii) the building up of their capacities to mitigate climate change¹⁵³;
- (iii) climate financing¹⁵⁴;
- (iv) technology development and transfer¹⁵⁵;
- (v) capacity-building of developing countries¹⁵⁶; and
- (vi) transparency of action and support¹⁵⁷.

150. © ENERGIES 2050, October 2016 – According to the UNFCCC *Status of submission table* (last consulted on 5 October 2016) [online]
http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php

151. Decision 1/CP.21, Annex, Paris Agreement, Art. 3

152. Decision 1/CP.21, Annex, Paris Agreement, Art. 4

153. Decision 1/CP.21, Annex, Paris Agreement, Art. 7

154. Decision 1/CP.21, Annex, Paris Agreement, Art. 9

155. Decision 1/CP.21, Annex, Paris Agreement, Art. 10

156. Decision 1/CP.21, Annex, Paris Agreement, Art. 11

157. Decision 1/CP.21, Annex, Paris Agreement, Art. 13

It is planned that the efforts be communicated to the Convention Secretariat as NDC, which inserts them for the moment¹⁵⁸ in provisional public registry¹⁵⁹. Under the Agreement, the Parties have agreed to the relevance of such a registry, more especially the efforts to mitigate the anthropogenic GHG emissions¹⁶⁰ and the communication of needs in terms of mitigation implementation, support, projects and measures¹⁶¹.

Nevertheless, when the Paris Agreement was adopted, the Parties requested the SBI to prepare modalities and procedures for the operation and use of the public mitigation registry¹⁶², whilst giving no instruction to either the subsidiary bodies or the Secretariat as to the potential preparation of a public registry listing the adaptation efforts by countries. The modalities and procedures of the public registry accounting for the mitigation efforts of countries should have been ready for the first session of the CMA¹⁶³.

An item on the SB 44 agenda therefore provided for addressing with the Parties the registry dealing with mitigation efforts, but this quickly became a stumbling block as soon as it was time to adopt the agenda for the session¹⁶⁴. The disagreement seem to stem from the Parties failing to agree on how to interpret the Paris Agreement and, at the same time, how to set up such a registry¹⁶⁵. In particular, certain concerns were raised during the first day of the SB 44 session over the lack of an explicit mention of adaptation in the agenda item addressing the NDC registry¹⁶⁶.

Thus in Bonn, in May 2016, the developing countries, led by the G77/China, made known to the SBI Chairman that they disagreed with the formulation of the provisional agenda item dealing with the registry¹⁶⁷, maintaining that it would be more appropriate to deal with a registry of NDC as a whole, without stating other fields of intervention like mitigation and adaptation. Some observers believe that one reason for broadening the type of information to be communicated to the public registry, rather than preferring a more restricted interpretation of the Agreement¹⁶⁸, would be to prevent setting up a public registry focusing on mitigation¹⁶⁹. These observers think that, for the developing countries, it would be more appropriate rather to request the Parties to communicate to the public, and therefore transparent, registry the relevant information on the six central components of the Agreement

158. This document was finalised on 5 October 2016.

159. Decision 1/CP.21, para. 30

160. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 12

161. Decision 1/CP.21, Annex, Paris Agreement, Art. 7, paras. 10 and 12

162. Decision 1/CP.21, para. 29

163. Decision 1/CP.21, para. 29

164. TWN, 2016a, p. 1

165. TWN, 2016a

166. IISD, 2016d, p. 2

167. TWN, 2016a, p. 1

168. More especially paragraphs 29 and 30 of Decision 1/CP.21

169. TWN, 2016a, p. 1

and NDC¹⁷⁰ mentioned above. Such an approach would be more representative of the exhaustive nature expected from the NDC for use by the countries in “*undertaking and communicating ambitious efforts*”¹⁷¹.

However, the Umbrella Group and EU countries would rather see a strict interpretation of the consensus emanating from Paris¹⁷², which is restricted to addressing a public registry compiling mitigation elements contained in the NDC. These same groups of countries prefer the same approach as the Paris Agreement¹⁷³ which urges the Parties to submit adaptation communications rather than requesting them to do this, as is the case for mitigation. Where appropriate, these countries were thus not in a position to support the amendment proposed by the G77/China to point 5 on the provisional agenda, resulting in the adoption of an initial agenda for the SB 44 session which initially ignored any talks at all about a public registry¹⁷⁴, until the Parties could agree, during informal discussions, on the most suitable way of addressing this topic.

Ultimately, point 5 of the agenda was amended and adopted as follows: “*Establishment of the modalities and procedures for the operation and use of the public registry referred to in Article 4, paragraph 12 of the Paris Agreement*”, whereas a new point 6 on the agenda was also adopted: “*Establishment of the modalities and procedures for the operation and use of the public registry referred to in Article 7, paragraph 12 of the Paris Agreement*”¹⁷⁵.

It goes without saying that consensus does not yet seem to have been reached on this issue, whereas, for example, Egypt has suggested, when adopting this new agenda, that both the adaptation and the mitigation measures should therefore be compiled in one and the same registry¹⁷⁶. Whilst the SBI split these two agenda items into two separate informal groups¹⁷⁷, the African Group instead expressed its wish for them to be addressed at the same time by the same co-mediators, with a view for just one, not two, NDC registries be set up when the Agreement entered into force¹⁷⁸. When talks were closed on this topic, the Umbrella Group and EU countries reiterated their view that tying these two public registries together under the agreement would overstep the scope of the decision taken in Paris¹⁷⁹, referring especially to the delicate balance between mitigation and adaptation on which the Parties managed to agree during the COP 21.

170. TWN, 2016a, p. 1

171. Decision 1/CP.21, Annex, Paris Agreement, Art. 3

172. I.e. paragraph 29 of Decision 1/CP.21; see also TWN, 2016a, p. 3

173. Mainly Article 7, paragraphs 10 and 12, of the Convention

174. IISD, 2016d, p. 2

175. FCCC/SBI/2016/L.2

176. IISD, 2016f, p. 2

177. IISD, 2016f, p. 3

178. IISD, 2016c, p. 1

179. TWN, 2016a, p. 3 See also IISD, 2016c, p. 2

When closing the SB 44, the SBI Chairman suggested two short draft conclusions for points 5¹⁸⁰ and 6¹⁸¹ of the agenda mentioned above. As it is, the SBI mainly noted the positions expressed during the informal discussions held in Bonn in May 2016, mainly the links between the work being carried out under these two points on its agenda. They will be addressed again during the session of the OS 45, on the fringes of the COP 22¹⁸²

Secretariat's provisional public registry

Until the modalities and procedures for the operation of a public mitigation registry and a public adaptation registry have been adopted by the Parties, they have mandated the Secretariat to set up a temporary registry¹. The NDC from 67 countries had been published in it as at 5 October 2016.

All the Parties have their own logins to the registry where they can upload documents, including the NDC, which they can subsequently manage themselves². The portal is configured so that a set of documents can be grouped to form one and the same NDC³. The Secretariat checks the authenticity of all the documents to ensure the security of the Parties and makes the documentation publicly-available thirty minutes after completion of the necessary checks⁴. When the Parties update their documentation, previous copies can be kept at the discretion of the Parties⁵.

The public can access the information added to the public registry by going to the website home page. Here the documentation communicated by all Parties can be accessed via their individual pages⁶ (see Figure 2 below). The home page offers web surfers an immediate search facility with options to browse using key words or Parties⁷ (see Figure 3 below). A description of each Party's most recent version of its NDC is found on its home page along with a list of all documents submitted to date⁸ (see Figure 4 below). The documents appear in chronological order of submission – the date is displayed – and are classified by whether it involves the NDC from the country, a translation or an additional document, among other things⁹.

1. Decision 1/CP.21, para. 30 The registry can be accessed by clicking on this link: <http://www4.unfccc.int/NDCregistry/Pages/All.aspx> (last consulted on 05/10/16)

2. FCCC/SBI/2016/INF.6, para. 10

3. FCCC/SBI/2016/INF.6, para. 11

4. FCCC/SBI/2016/INF.6, para. 11

5. FCCC/SBI/2016/INF.6, para. 12

6. FCCC/SBI/2016/INF.6, para. 13

7. FCCC/SBI/2016/INF.6, para. 14

8. FCCC/SBI/2016/INF.6, para. 15

9. FCCC/SBI/2016/INF.6, para. 16

180. FCCC/SBI/2016/L.18

181. FCCC/SBI/2016/L.19

182. FCCC/SBI/2016/L.18, paras. 3-4 and FCCC/SBI/2016/L.19, paras. 2-3.

Figure 2: NDC Registry (interim) home page

A		
	ALBANIA FIRST NDC	COUNTRY PAGE
	ANTIGUA AND BARBUDA FIRST NDC	COUNTRY PAGE
	AUSTRIA FIRST NDC	COUNTRY PAGE
B		
	BAHAMAS FIRST NDC	COUNTRY PAGE
	BANGLADESH FIRST NDC	COUNTRY PAGE
	BARBADOS FIRST NDC	COUNTRY PAGE

Figure 3: NDC Registry (interim) search facility

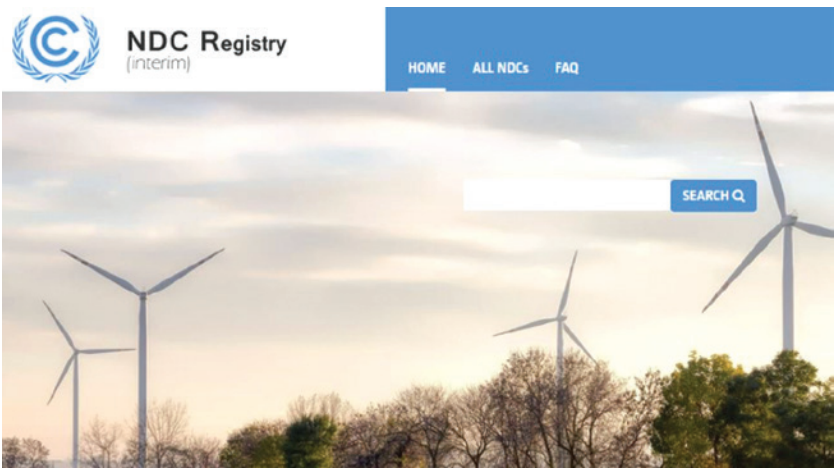




Figure 4: NDC Registry (interim) country home page

BAHAMAS			
			
FIRST NDC			
	Title	Language	Submission date
NDC	 Bahamas First NDC	English	22/08/2016
CLOSE PANEL			

II.1.3 Scope and modalities for the periodic assessment of the Technology Mechanism for the implementation of the Paris Agreement (joint agenda with SBSTA)

The development and transfer of technologies assume special importance within the UNFCCC as they turn numerous mitigation and adaptation measures into reality¹⁸³. Several decisions encourage the development and transfer of technologies, headed by those that created the Technology Mechanism¹⁸⁴ (Cancún, 2010)¹⁸⁵. The aim of this mechanism is to facilitate the reinforcement of technological development and transfer to support the climate change mitigation and adaptation policies.

Recognising the relevance of work carried out to date by the Technology Mechanism, the Parties made it a body helping to bring about the application of the Paris Agreement¹⁸⁶. In this respect, in May 2016 the SBI adopted draft conclusions to prepare the scope and modalities of the periodic assessment of the Technology Mechanism for the implementation of the Paris Agreement¹⁸⁷, for which it had received the mandate from the Parties during COP 21¹⁸⁸. By enhancing the Technology Mechanism, the Parties wish for new work to be undertaken by the TEC and CTCN, mainly to develop and build up the capacities and endogenous technologies and also to continue with the research, development and demonstration¹⁸⁹.

183. UNFCCC Articles 4.1c, 4.5 and 9, in particular.

184. See section I.A.1b

185. Decision 1/CP.16, para. 117

186. Decision 1/CP.21, Annex, Paris Agreement, Art. 10, para. 3

187. FCCC/SBI/2016/L.5

188. Decision 1/CP.21, para. 70

189. Decision 1/CP.21, para. 66

The purpose of this periodic assessment, among other things, is to focus on the effectiveness of the support provided to the Technology Mechanism and on the appropriate nature of this support¹⁹⁰. Overall, this periodic assessment must take account of questions dealing with the development and transfer of technologies. The assessment must also be performed in consideration of the conclusions that will emanate from the first independent review of the smooth operation of the CTCN¹⁹¹. The assessment of the Mechanism should also take account of the development of modalities of the global stocktake referred to in Article 14 of the Agreement, work on the transparency of the action and support referred to in Article 13 and the preparation of the technology framework (see box below). It is intended that the scope and modalities of this periodic assessment are adopted during the COP 25 in 2019. To achieve this, the Parties are invited to indicate their positions regarding the scope and modalities of the periodic assessment of the Mechanism by 25 January 2017; these positions should be reflected in a summary compilation planned for May 2017.

Preparation of the technology framework

In Paris, the Parties adopted the setting up of the technology framework which aims, especially, to make available to the Technology Mechanism a tool which will provide it with global guidelines on conducting its work¹. The SBSTA, which is responsible for preparing the technology framework, launched talks between Parties on this topic in May 2016 during the SB 44. The intention is that the conclusions of work carried out by the SBSTA on the creation of the technology framework are submitted for decision by the first CMA².

The framework should promote the technologies which are ready for transfer, the enhancement of enabling environments for and the addressing of barriers to the development and transfer of socially and environmentally sound technologies, enhanced financial and technical support for the implementation of the results of the technology needs assessments and the preparation of bankable projects³. Certain Parties have demonstrated an interest in the work of the framework also taking other associated issues into account, such as sustainable development, questions of gender or global action⁴.

Nevertheless, certain observers identify a common challenge for all these objectives, which could shortly be confronting the SBSTA, that of allowing the Parties to agree on a closed definition for each of these promotion areas⁵. For example, which criteria could the framework use to determine that technologies are “ready for transfer” and which it is therefore appropriate to promote? A similar issue can apply to the listing of “socially and environmentally sound” technologies, whereas the Parties have not, for the moment, defined clearly what they envisage in this respect.

Continued on page 67

190. Decision 1/CP.21, para. 69

191. FCCC/SBI/2016/L.5, para. 3

These same observers believe that the links between the Technology Mechanism and the Financial Mechanism which could be used to weave the Technology Framework will be critical in carrying out the mandate of the Technology Mechanism as an implementation tool of the Paris Agreement⁶. The Parties have shown a willingness to emphasise the transfer of technologies to fulfil the objective of the agreement to adopt the technology framework at the first session of the CMA, for example. Nevertheless, these observers underline the importance for the Technology Mechanism to be able to access sufficient financial resources to fulfil its mandate adequately⁷.

For the success of its work, the Parties seem to agree on the importance, for the framework, of focusing the majority of the work of the mechanism on how to implement the structural transformations that the Parties wished to encourage by adopting the Paris Agreement as well as the long-term vision of the importance of the development and transfer of technologies enshrined in Article 10 of the Agreement⁸. The technology framework should offer its guidelines in the context of an overall vision of this theme. In this respect, it seems to create consensus among the Parties on the importance of the role of the technology framework in a perspective of adding value to the tools and bodies already in place, even certain work in progress, rather than creating new institutions.

Among other things, both the framework activities and the guidelines given to the Mechanism should at any time prevent the duplication of efforts⁹. To achieve this, the Parties suggested, in May 2016, that the framework should itself establish its guidelines by taking account, for example, of past, on-going and future work completed under the auspices of the TEC and the CTCN, knowledge acquired by the framework for the transfer of technology, work to weave permanent links between the Technology Mechanism and the Financial Mechanism, in addition to relevant activities like research and the development and demonstration of new technologies, carried out by institutions outside the Convention like the Technology Facilitation Mechanism targeting the sustainable development objectives¹⁰.

To move its work forward as much as possible on preparing the technology framework, the SBSTA requested the Secretariat to prepare “*an information note on the activities and initiatives of developing and transferring climate technologies under and outside the Convention*”¹¹.

1. FCCC/SBSTA/2016/L.8.

2. Decision 1/CP.21, para. 67

3. Decision 1/CP.21, para. 67

4. FCCC/SBSTA/2016/L.8.

5. World Resources Institute, 2016, p.19

6. World Resources Institute, 2016, p.19

7. World Resources Institute, 2016, p.19

8. FCCC/SBSTA/2016/L.8.

9. FCCC/SBSTA/2016/L.8.

10. FCCC/SBSTA/2016/L.8.

11. FCCC/SBI/2016/L.8, para. 3

II.1.4 Preparation of the mandate of the Paris Committee on Capacity-building, including its composition

In Paris, the Parties created the *Paris Committee on Capacity-building*¹⁹². In this respect, the Parties have launched a five year work plan supervised by the Committee for the period 2016-2020. This work plan aims to “*increase synergies through cooperation and avoid duplication among existing bodies established under the Convention that implement capacity-building activities of capacity*.”¹⁹³ This work can also consider entities that are dedicated to capacity-building within or outside the Convention. The Parties have also requested the SBI to organise annual meetings of the Committee during its own sessions¹⁹⁴.

The objective of the Committee through its initial workplan will also be to assemble a broad range of information relevant to the capacity-building of the Parties, including:

- (i) “capacity gaps and needs”¹⁹⁵;
- (ii) the “good practices, challenges, experiences and lessons learned from work on capacity-building by bodies established under the Convention”¹⁹⁶; and
- (iii) “the opportunities to strengthen capacity at the national, regional and subnational level”¹⁹⁷.

The workplan that will be supervised by the Committee also envisages the promoting “*the development and dissemination of tools and methodologies for the implementation of capacity-building*”¹⁹⁸, as well as “*exploring how developing country Parties can take ownership of building and maintaining capacity over time and space*”¹⁹⁹. This effort should allow the Committee to “*provide directives to the secretariat to maintain an updated window on line [of the Convention] dedicated to capacity reinforcement*”²⁰⁰. This acquisition and sharing of knowledge should also allow the Committee to “*foster world global, regional, national and subnational cooperation*” in terms of capacity-building²⁰¹, in addition to “*fostering dialogue, coordination, collaboration and coherence among relevant processes and initiatives under the Convention*”²⁰².

192. Decision 1/CP.21, paras. 71-81

193. Decision 1/CP.21, para. 73(a)

194. Decision 1/CP.21, para. 75

195. Decision 1/CP. 21 para. 73(b)

196. Decision 1/CP. 21 para. 73 (e).

197. Decision 1/CP. 21 para. 73 (g).

198. Decision 1/CP. 21 para. 73 (c).

199. Decision 1/CP. 21 para. 73 (f).

200. Decision 1/CP. 21 para. 73 (i).

201. Decision 1/CP. 21, para. 73(d)

202. Decision 1/CP.21, para. 73(h)

The Committee should also be called upon to conduct work “*in the context of a third comprehensive review of the implementation of the capacity-building framework*”²⁰³, that aims to allow developing countries to apply the provisions of the Convention and processes emanating from the Kyoto Protocol²⁰⁴. In this respect SBI is responsible for preparing a mandate for the Committee. These conclusions were presented to the Parties during SBI 44 as a draft decision to be submitted to the COP 22 for consideration and adoption²⁰⁵.

Mandate and composition of the Paris Committee on capacity-building

Under the draft decision that the Parties were invited to weigh up and potentially adopt during the COP 22, the SBI, in its forty fourth session (SBI 44, May 2016, Bonn), submitted a draft of a mandate to the Paris Committee on capacity-building and suggested that its composition be as follows (twelve members in total)¹:

- (i) Two members from each of the five regional State groups of the UN;
- (ii) One member from one of the least developed countries;
- (iii) One member from a Small Island Developing State;

The SBI also suggests that, as a function of the field or annual theme that the Committee is called upon to consider during its meetings that “*six representatives of the bodies established under the Convention and functional entities of the Financial Mechanism be invited to participate in all Committee meetings*”². The draft decision suggests that “*the Committee specify and adopt its modalities and procedures of functioning at its first meeting*”³, which in principle should take place during the forty sixth session of the SBI (May 2017)⁴. Finally, in the current state of the decision draft, the Committee must “*establish the annual technical reports on its work*” to be submitted to the COP⁵, activities that would mainly cover “*the improvement of technical exchanges dedicated to capacity-building*”⁶.

In addition, during SBI-44, “the Parties suggested requesting the Committee [upon initiating its work], to (i) consider the results of the Durban Forum on capacity-building”; (ii) coordinate work of both Convention bodies and entities outside it; and (iii) produce tools for use in preparing uniform reports and the evaluation which will emerge from the work of the Committee⁷. The Parties also agreed during the talks in Bonn in May 2016 that decisions made by the Committee respect the principle of consensus⁸.

1. FCCC/SBI/2016/L.24/Add.I, annex, para. 2

2. FCCC/SBI/2016/L.24/Add.I, annex, para. 3

3. FCCC/SBI/2016/L.24/Add.I, annex, para. 13

4. FCCC/SBI/2016/L.24/Add.I, annex, para. 6

5. FCCC/SBI/2016/L.24/Add.I, annex, para. 16

6. FCCC/SBI/2016/L.24/Add.I, annex, para. 12

7. IISD, 2016c, p. 2

8. IISD, 2016f, p. 2

203. Decision 1/CP.21, para. 76

204. UNFCCC Articles 4.5 and 5 and Article 10(e) of the Kyoto Protocol.

205. FCCC/SBI/2016/L.24 and FCCC/SBI/2016/L.24/Add.1

Final Composition of the Paris Committee on capacity reinforcement

It is possible that the talks face a stumbling block during the COP 22 regarding the final composition of the Committee. Under the SBI 44, the subsidiary body has received submissions from the Parties precisely on this topic. Most of the submissions received in this respect in March 2016 proposed a Committee generally composed of some twenty members²⁰⁶.

The LDC initially proposed for example, that the Committee also include representatives of the Adaptation Committee, the Executive Committee on Loss and Damage, the LDC Expert Group, the Technology Executive Committee, the Consultative Group of Experts and the GCF²⁰⁷. The Alliance of Small Island States (AOSIS) and the G77/China proposed a Committee of sixteen members added to the Committee suggested by SBI two members representing countries included in Annex I and two members of countries not appearing²⁰⁸. With twenty members rather than twelve, the distribution of the Committee suggested by the African Group in March was similar to that of AOSIS²⁰⁹.

The Umbrella Group (except Kazakhstan and Russia) was also in favour of a Committee of sixteen members who, on the other hand, would be made up of six representatives of Convention bodies whose activities cover capacity-building²¹⁰. The Group also stressed the importance of gender representatives. In the same spirit, the Environmental Integrity Group proposed a committee of eighteen seats, to be representative of a balance between sexes and including six members of the Convention bodies whose activities cover capacity-building as well as functional entities of the Financial Mechanism in order to avoid silo work²¹¹. In view of COP 22, the SBI nevertheless requested the opinion of the Parties concerning “*representatives of bodies established under the Convention and functional entities of the Financial Mechanism that must be invited to the first meeting of the Committee*”²¹².

206. FCCC/SBI/2016/MISC.1

207. FCCC/SBI/2016/MISC.1, p. 5

208. FCCC/SBI/2016/MISC.1, p. 7; and, G77/China, 2016a

209. FCCC/SBI/2016/MISC.1, p. 10

210. FCCC/SBI/2016/MISC.1, p. 35

211. EIG, 2016a

212. FCCC/SBI/2016/L.24, para. 3

Table 3. Summary of proposals received by SBI as at 23 September 2016 regarding the composition of the Committee.

Countries or group of countries	Opinion on the composition of the Committee
European Union ²¹³	<p>One representative of each body listed hereunder for a period of one year:</p> <ul style="list-style-type: none"> (i) Adaptation Committee (ii) TEC (iii) EB of the Warsaw International Mechanism for Loss and Damage (iv) LEG (v) CGE (vi) Permanent Financing Committee. <ul style="list-style-type: none"> • Also stresses the possibility of inviting and consulting representatives of other bodies of the Convention or outside of it; • Underscores that the Parties can also attend Committee meetings; • Encourage also the participation of observers from various organisations in order to encourage a balanced regional representation at the meetings.
Alliance of Small Island States ²¹⁴	<p>Representatives of four bodies as below at first Committee meeting:</p> <ul style="list-style-type: none"> (i) GCF (ii) GEF (iii) TEC (iv) Committee of Adaptation
Russia ²¹⁵	<p>Restricts itself to underlining that it would be relevant for the GCF to be invited to the first Committee meeting.</p>
Indonesia ²¹⁶	<p>Eight representatives of organs present at first Committee meeting:</p> <ul style="list-style-type: none"> (i) GCF (ii) GEF (iii) TEC (iv) CTCN (v) Adaptation Committee (vi) Permanent Financing Committee; (vii) LEG (viii) EB of the Warsaw International Mechanism for Loss and Damage

213. EU, 2016a

214. AOSIS, 2016a

215. Russia, 2016

216. Indonesia, 2016

Australia, Canada, United States, Japan, Norway, New Zealand and Ukraine ²¹⁷	<p>One representative of each body listed hereunder for the 2017:</p> <ul style="list-style-type: none"> (i) CGE (ii) TEC (iii) CTCN (iv) Permanent Financing Committee (v) GCF (vi) GEF
G77/China ²¹⁸	<p>One representative of each body listed hereunder present at the first Committee meeting:</p> <ul style="list-style-type: none"> (i) Adaptation Fund Board (ii) Adaptation Committee (iii) CTCN (iv) GCF (v) TEC (vi) GEF (vii) Permanent Financing Committee.
Environmental Integrity Group ²¹⁹	<p>Representatives of the following four bodies:</p> <ul style="list-style-type: none"> (i) LEG (ii) Adaptation Committee (iii) TEC (iv) CTCN
African Group ²²⁰	<p>One representative of each body listed hereunder present at the first Committee meeting:</p> <ul style="list-style-type: none"> (i) Adaptation Committee (ii) CGE (iii) EB of the Warsaw International Mechanism for Loss and Damage; (iv) Permanent Financing Committee (v) LEG (vi) TEC (vii) CTCN

217. Australia, Canada, United States, Japan, Norway, New Zealand and Ukraine, 2016

218. G77/China, 2016b

219. EIG, 2016b

220. African Group, 2016a

Field or annual theme of the Paris Committee for 2017

During the COP 22, the Parties will also be called upon to consider the first annual theme field of the Paris Committee for 2017 whilst the objective of SBI is to make a recommendation to the COP22 for examination and adoption²²¹. As at 9 September 2016, certain Parties had suggested the fields or annual themes outlined in the table below:

Table 4: Summary of suggestions regarding fields or annual themes of the Paris Committee for 2017 of certain Parties on September 9 2016

Countries or group of countries	Field or annual theme of the Paris Committee for 2017
European Union ²²²	Activities conducted under the auspices of the Convention in the context of national capacities of countries to implement the Paris Agreement between the different ministries and levels of government, in particular insofar as the NDC implementation is concerned.
Alliance of Small Island States ²²³	The implementation capacities of mitigation measures of climate change as the installation and maintenance of solar and wind turbines, among others.
Russia ²²⁴	Building up capacities to implement the Paris Agreement in particular concerning: <ul style="list-style-type: none"> (i) the preparation of NDC by developing countries; (ii) the transparency of national notifications; (iii) the exchange of information between countries; (iv) the possible enhancement of GHG emission mitigation efforts by countries; and (v) the improvement of measuring and verification systems.
Indonesia ²²⁵	Implementation of a annual workplan extending until 2020: <ul style="list-style-type: none"> (i) the annual themes until 2020 would coincide thus with those identified in this plan; (ii) for 2018, the vulnerability to climate change would be the theme, in particular considering the workplans already conducted by other committees such as the Committee on Loss and Damage and the Permanent Financing Committee; (iii) the CPRC could conduct a two year analysis on capacity-building needs in order to inform COP talks potentially.
Australia, Canada, United States, Japan, Norway, New Zealand and Ukraine ²²⁶	<ul style="list-style-type: none"> (i) The implementation of the mitigation section of NDC as an annual theme for 2017; (ii) National planning of adaptation as an annual theme for 2018.

221. FCCC/SBI/2016/L.24, para. 3

222. EU, 2016a

223. AOSIS, 2016a

224. Russia, 2016

225. Indonesia, 2016

226. Australia, Canada, United States, Japan, Norway, New Zealand and Ukraine, 2016

G77/China ²²⁷	The development of national and sub-national institutional capacities of creation, articulation and capacity-building in order to improve the implementation, in time, of the Paris Agreement and the Convention in the respect of the principles of equity and the CBDR-RC.
Environmental Integrity Group ²²⁸	The development and improvement of institutions that work towards capacity-building, more especially building up national capacities to hold high-quality GHG emission inventories.
African Group ²²⁹	<p>Prioritises the themes that follow, to be dealt with in 2016-2020 that aim to reinforce capacity among others in terms of:</p> <ul style="list-style-type: none"> (i) measures of adaptation and resilience in the face of climate; (ii) updating of NDC and implementation of their measures; (iii) development and implementation of legislation aimed at enhancing resilience to effects of climate change and promoting low-carbon development paths; (iv) providing climate financing for specific projects; (v) transparency activities; (vi) access and use of technology by developing countries; (vii) indicators of success; and (viii) guidelines between different bodies working on capacity-building.

II.1.5 Modes of functioning, work programme and functions anticipated under the Paris Agreement for the forum on the impact of response measures implemented (joint agenda with SBSTA)

The Paris Agreement, in the spirit of the Convention, recognizes the importance of “*taking into into consideration in the implementation of this Agreement the concerns of Parties with economies most affected by the impacts of response measures, particularly developing country Parties*”²³⁰, whilst the Paris Agreement aims to “*hold the increase in the global average temperature to well below 2°C above pre-industrial levels*”²³¹. At the time of the adoption of the Convention, the Parties recognised that the impact of reaching the objective could have on the countries whose economy depended highly on extraction, refining and export of hydrocarbons such as oil²³². Since Bali, the integration of this issue in the agenda of climate negotiations has resulted above all in a demand supported partly by Gulf countries which want it to be considered in the same way as adaptation and mitigation²³³.

227. G77/China, 2016b

228. EIG, 2016b

229. African Group, 2016a

230. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 15

231. Decision 1/CP.21, Annex, Paris Agreement, Art. 2, para. 1(a)

232. Convention, Art. 4, para. 8(h)

233. FCCC/SB/2012/MISC.2 for example.

This impact of response measures crystallises a strong opposition between developed countries and developing countries. The latter desire that concrete measures be taken by the first to limit the negative impacts of their measures linked to climate change and that this element of the agenda lead to strong decisions. In addition, they are calling for supplementary support from developed countries to counter the destructive consequences of their measures²³⁴. This element of the agenda has evolved during the last years towards the creation in 2011 of a Forum operated jointly by SBI and the SBSTA²³⁵.

In light of this, the Parties decided, at the COP 21, to maintain and improve the forum on the impact of response measures implemented whose work will be centred on “*the provision of concrete examples, case studies and practices in order to enhance the capacity of Parties, in particular developing country Parties, to deal with the impact of the implementation of response measures*”²³⁶. The improved work programme of the Forum, which will continue to meet twice a year²³⁷ under the joint guidance of SBI and SBSTA, works in two areas²³⁸:

- a) The diversification and economic transformation
- b) Fair transition for the active population and the creation of decent and quality jobs.

The subsidiary bodies must advance the work of the forum improved by the formation of special groups of technical experts²³⁹, firstly, and by “*the assessment and analysis of impacts, including the use and development of economic modelling*”²⁴⁰, secondly. The subsidiary bodies should revise the improved forum work every three years as from the COP 23, in November 2018²⁴¹. This revision should also deal with operating modalities of the forum. In the meantime, it is envisaged that the improved forum submit for examination its first recommendations to the subsidiary bodies at the COP 22 regarding the implementation of response measures for which it has been possible to carry out the assessment and analysis²⁴².

In this respect, the Parties instructed the Secretariat of the Convention, in Paris, to prepare in the framework of the 44th session of subsidiary bodies a technical document that facilitates, for developing countries, “*the assessment of various impacts that can result from the response measures implemented*”, on one hand, and that identify also the options of economic diversification that can, at least in part, neutralise these impacts²⁴³.

234. FCCC/SB/2012/MISC.2 for example.

235. Decision 8/CP.17, para. 3

236. Decision 11/CP.21, para. 2

237. Decision 11/CP.21, para. 3

238. Decision 11/CP.21, para. 5

239. Decision 11/CP.21, para. 4

240. Decision 11/CP.21, para. 6

241. Decision 11/CP.21, para. 7

242. Decision 11/CP.21, paras. 8 and 1

243. Decision 11/CP.21, para. 9

The Secretariat has thus prepared two technical documents that could help guide the work of the improved forum and offer more precise data to the Parties regarding the impact of response measures during the talks on the matter under COP 22. A first technical document evaluates firstly the impact of response measures, in particular by using several economic modelling tools²⁴⁴.

The document identifies seven response measure categories in particular²⁴⁵ which may have “impacts on the economic growth, distribution of revenues, employment, environment, public health and food security”²⁴⁶:

- (i) carbon taxes;
- (ii) subsidies favourable to low-carbon technology, granted simultaneously with removal of subsidies to technologies with stronger GHG intensity;
- (iii) policies on energy reform and green investments;
- (iv) ceiling systems and trading of GHG emission credits and the compensation credits at the international level;
- (v) commercial measures such as customs duties and border adjustments for carbon;
- (vi) implementation of standards and labelling; and
- (vii) technology cooperation”.

A second technical document deals with the concept of economic diversification in the context of response measures²⁴⁷. The document identifies four economic sectors where the impact of response measures could be felt more significantly and that could benefit from economic diversification²⁴⁸ :

- “(i) conventional fossil fuels (coal, gas and oil);
- (ii) energy-using products that are also exposed to foreign competition (aluminium, iron and steel, cement, chemical products and pulp and paper sectors);
- (iii) tourism; and
- (iv) agriculture”.
- It appears, nevertheless, for the time being, more complex to identify available solutions for developing countries wishing to diversify their economies²⁴⁹.

In order to make progress on the forum work, certain Parties have shown an interest in having a high level meeting dedicated to economic diversification and sustainable development during the COP 22²⁵⁰. During discussions in the contact group on response measures that took place in Bonn in May 2016, the G77/China

244. FCCC/TP/2016/4

245. FCCC/TP/2016/4, para. 36

246. FCCC/TP/2016/4, para. 37

247. FCCC/TP/2016/3

248. FCCC/TP/2016/3, para. 114

249. FCCC/TP/2016/3, paras. 129-155

250. FCCC/SB/2016/L.2/Rev.1, para. 3

identified numerous fields that could enhance cooperation in terms of acquisition of knowledge on the impact of response measures and tools available in order that this impact be minimised particular for developing countries, i.e.²⁵¹:

- “(i) technical cooperation,
- (ii) cooperation in terms of modelling and evaluation considering priorities of developing countries,
- (iii) partnerships with research organisations, and
- (iv) cooperation for equitable transition”.

One party also suggested, during the talks, that gender equality be identified in the description referring to equitable transition²⁵². This proposal has not for the time being been retained in the draft conclusions proposed by the Chairmen²⁵³.

AOSIS, for its part, stressed a “*focus oriented towards action*” for the forum²⁵⁴, a proposal that received the support of numerous Parties in Bonn, in May 2016, whilst the importance of concrete results, accompanied “*by clear schedules for identified actions*” was raised by these parties²⁵⁵. South Africa for its part wished to orientate the talks in terms of identification of vulnerabilities faced by developing countries²⁵⁶. These two last elements were dealt with in part by the technical documents prepared by the Secretariat, as mentioned above.

The European Union specially stressed the sharing of knowledge so that the different actors be called upon to contribute pragmatically and globally to the discussion on the impact of response measures. Such an interactive framework where exchanges of views and knowledge are encouraged could introduce favourable conditions for the identification of themes that could lead to meetings of a special group of technical experts²⁵⁷.

During a first meeting of the forum in Bonn in May 2016, the subsidiary bodies also prepared the work programme of the forum until November 2018, agreeing to have a “*workshop on points of view and experiences of the Parties, including case studies, in the context of sustainable development*” before COP 22²⁵⁸. The workshop business will stress:

- (i) diversification and economic transformation, and
- (ii) fair transition for the active population and the creation of decent and quality jobs.

251. IISD, 2015a, p. 2

252. IISD, 2016e, p. 2

253. FCCC/SB/2016/L.2/Rev.1, Annex I

254. FCCC/SB/2016/L.2/Rev.1, Annex I

255. IISD, 2016e, p. 2

256. IISD, 2016e, p. 2

257. IISD, 2016e, p. 2

258. FCCC/SB/2016/L.2/Rev.1, Annex I

A report on this work will be made available to the Parties at COP 22 which could lead to the possibility of forming a special group of technical on these themes. These groups would be formed by two members for each of the five regional groups represented in the UN and by “*two other experts from inter governmental organisations having good experience in the technical domain considered*”²⁵⁹.

Work programme to be envisaged under the Paris Agreement for the forum: possible stumbling block in Marrakesh?

A work programme with a broad rather than targeted range could also create a stumbling block regarding implementation for the period covering current works up to November 2018, whilst certain Parties in Bonn in May 2016 opposed the forum covering too much material and statements simultaneously¹.

In this respect, the United States, Saudi Arabia, AOSIS, the G77/China and the EU propose that the work programme be limited for the time being to the two areas determined in Paris².

Whilst concentrating the forum efforts around these two areas, AOSIS suggests moreover that the work programme take place in two stages: (i) evaluation and analysis of current and possible effects on developing nations, in particular the SIDS and LDC, of response measures implemented by developed nations in particular unilateral measures, and (ii) specific activities to be carried out in the work programme³.

The G77/China for its part suggested adding exchange of views and experience on (i) support and capacity-building and (ii) measures that can mitigate damaging effects of response measures in workshops that could take place under the auspices of the forum⁴.

For its part, the African Group prioritises an expanded work programme covering five issues⁴: (i) sustainable development with a view to determining the damaging effects of response measures for sustainable development in Africa and mitigate them; (ii) examination of the impact of response measures implemented, to improve mobilisation and transparency in order to reach common answers; (iii) enhanced capacity-building; (iv) development of guidelines on the subject of notification and examination of response measures; and (v) economic modelling.

1. IISD, 2016c, p. 2

2. Saudi Arabia and United States, 2016, AOSIS, 2016b and EU, 2016b

3. AOSIS, 2016b, pp. 2-3

4. G77/China, 2016c

5. African Group, 2016b

259. FCCC/SB/2016/L.2/Rev.1, Annex II, para. 3

II.1.6 Scope of the next periodic review of the global objective and overall progress towards this objective (joint agenda with the SBSTA)

At COP 18 in Doha in 2012, the Parties launched a process for the periodic review of the long-term global objective of the Convention. The first phase of this process ran from 2013 to 2015. The next review is expected to take place as early as the adoption of the sixth IPCC assessment report, which is planned for 2021²⁶⁰, or every seven years, at the latest²⁶¹. To this end, the Parties have requested the SBSTA and SBI to issue a recommendation concerning the scope of the next periodic review in 2018 at the latest.²⁶²

As for the first review period, the next review process will be led by a joint SBSTA/SBI²⁶³ contact group and will be based on the conclusions issued by a new Structured Expert Dialogue (SED)²⁶⁴. This expert group is responsible for ensuring the scientific integrity of the review process. The SEDs²⁶⁵ are an opportunity for the Parties to master the most important scientific results, including the IPCC reports and other scientific and technical reports, and to ask the IPCC experts questions²⁶⁶. For example, at the first periodic review, COP 20 in Lima recognised that the 5th IPCC assessment report was the most comprehensive and solid report on climate change, offering an integrated scientific, technical and socio-economic point of view on relevant questions. It also recognised that this report was the scientific basis of the ADP work²⁶⁷.

For the 2013-2015 periodic review process, the Parties had agreed that the periodic review aims to periodically assess, as a priority, the appropriateness of the long-term global objective of 2°C and the overall progress in achieving this objective. The final SED report recognises that the target of limiting the temperature to 2°C is “inadequate” for certain regions and ecosystems. 2°C should be the upper end of the target. The report also recognises that even though the state of the science concerning the 1.5°C target is less robust, this target is a more prudent safeguard²⁶⁸. The report also states that current efforts are not sufficient to reach the long-term target. It calls for a change in the scale of the effort made. The SEDs thus propose to consent to an approach encouraging the implementation of a “buffer zone”, rather than the adoption of a specific number. It also recommends filling the knowledge gaps for certain regions. This gap has been reported in the most vulnerable regions in particular, such as Africa, the Pacific and the Caribbean.

260. <http://www.ipcc.ch/activities/activities.shtml>

261. Decision 2/CP.17, para. 167

262. Decision 10/CP.21, para. 10

263. Decision 10/CP.21, para. 10

264. Decision 10/CP.21, para. 11

265. The SEDs are available on [online] <http://unfccc.int/7521>

266. See [online] <https://unfccc.int/7521>

267. Decision 12/CP.2.

268. FCCC/SB/2015/INF.1, Message 5 [online] <http://unfccc.int/resource/docs/2015/sb/eng/inf01.pdf>

In Paris, the Parties took note of the SED report and its 10 key messages²⁶⁹. The conclusions of this report are reflected in the decision of the Parties to convene a new SED as part of the next periodic review²⁷⁰. The decision also observes that the joint SBSTA/SBI contact group has fulfilled its first periodic review mission²⁷¹. This contact group has been mandated to examine the scope of the next periodic review by 2018, and to issue a recommendation to be reviewed at COP 23²⁷².

In the Paris Agreement, the Parties first adopted a new long-term target for the average temperature increase that reflects the SED recommendation to adopt a range from 1.5°C to 2°C²⁷³, thereby setting a “buffer zone”, as the SED suggested. Henceforth, an appropriate long-term target aims to keep the temperature rise “well below 2°C [...], recognizing that this would significantly reduce the risks and impacts of climate change”²⁷⁴.

The Parties has also observed, as the SED report substantiates, that “*significant gaps still exist in terms of both the scale and the speed*” of the progress that has already been made in strengthening financial and technological support, and in capacity building assistance²⁷⁵. Above all, the Parties also highlighted that there are currently gaps in reaching the long-term target itself, especially as it implies pursuing “*efforts to limit the temperature increase to 1.5°C*” now. This is an additional challenge that the next periodic review will confront. Most of the currently existing scientific data has emphasised the GHG emissions trajectories that can limit the temperature increase to 2 °C, and has given much less attention to scenarios that can limit it to 1.5 °C²⁷⁶.

In this respect, the Parties are henceforth encouraging the scientific community to consider “*information and research gaps identified during the structured expert dialogue*”²⁷⁷, which is right in line with the special report on the 1.5°C that the IPCC should be producing by 2018. In particular, this report should address the consequences of a global temperature increase beyond 1.5°C, by considering all the regional and local impacts on the GHG emissions trajectories that could limit the temperature increase to 1.5 °C by 2100²⁷⁸. By adopting these decisions and suggesting that this special report be drawn up, the Parties seem to clearly express that they would like updated information to be available as soon as possible, especially with the entry into force of the Paris Agreement—and that they would also like the SED that will be held at the next periodic review to have access to this information, so that it can feed into the first update of the NDCs, which should be taking place in 2025.

269. FCCC/CP/2015/10/Add.2, para. 1.

270. FCCC/CP/2015/10/Add.2, para. 11.

271. FCCC/CP/2015/10/Add.2, para. 12.

272. FCCC/CP/2015/10/Add.2, para. 10.

273. FCCC/CP/2015/10/Add.1, Annex, Paris Agreement, Art. 2

274. FCCC/CP/2015/10/Add.2, para. 4.

275. FCCC/CP/2015/10/Add.2, para. 6.

276. IPCC, 2014a, p. 5

277. FCCC/CP/2015/10/Add.2, para. 8.

278. FCCC/CP/2015/10/Add.1, para. 21.

However, there is still uncertainty about the exact date of the next periodic review, and about what its exact scope will be. The SBSTA and SBI are to issue a recommendation regarding the scope for the Parties to review by 2018 at the latest. However the Parties disagree on the pace of the work on this subject²⁷⁹. Several developing countries such as AOSIS, the African Group, the Solomon Islands and Peru, have emphasised the importance of including the periodic review in the SB 46 session agenda for May 2017. Some have noted that waiting for the SB 48 session in May 2018 would be inappropriate and would send the wrong message. Norway, Switzerland, and the European Union supported the idea of starting the discussions at SB 46. Brazil insisted that waiting until SB 48 to start discussions would result in a tight deadline, right before COP 23. At COP 23, the joint contact group is to submit its recommendation for the Parties to review.

In contrast, other countries such as the United States, Japan and Australia consider that the scope of the periodic review should not be examined prior to May 2018. One of the point that these countries highlight is that it would be relevant to first examine the modalities of the global stocktake to avoid activity overlap, especially concerning the Party facilitation dialogue, to assess the joint efforts made to reach the long-term target. This dialogue must also take place in 2018, and the SBSTA and SBI should consider this in setting the scope of the next periodic review. Japan also expressed that there is a split between the global stocktake and the periodic review activities. Japan argues that the scope of the periodic review should be more specific, and not general. Ultimately, the SBSTA and SBI decided to continue discussions on the scope of the next periodic review at their May 2017 session²⁸⁰.

II.2 Issues related to the SBSTA

II.2.1 Issues related to the SBSTA: Advice on how the Intergovernmental Panel on Climate Change may inform the global stocktake as per Article 14 of the Paris agreement

Article 14 of the Paris Agreement tasks the CMA with periodically assessing the implementation of the Agreement, to evaluate the collective progress toward achieving the purpose of the Agreement and its long-term goals, considering mitigation, adaptation, means of implementation and support, and in the light of equity and the best available science²⁸¹. To this end, the Conference of the Parties requested advice from the SBSTA on how the IPCC assessments may feed into the global stocktake referred to in Article 14 of the Paris Agreement, and has asked the SBSTA to report on this issue at the second APA session²⁸².

279. TWN, 2016b

280. FCCC/SB/2016/L.1, par. 3

281. Paris Agreement, Article 14.1

282. Decision 1/CP.21, para. 100

The results of the global stocktake must guide the Parties as they update and strengthen their measures and support, based on the modalities set nationally, as per the relevant stipulations of the present agreement, and as the Parties intensify international climate action.²⁸³ The first global stocktake is planned for 2023, and should be conducted every five years afterwards, unless the COP decides otherwise.²⁸⁴

At the 43rd IPCC session in April 2016, the IPCC responded to the invitation of the COP, presenting its work plan, and adopted a set of decisions mentioning the production of three special reports and a methodology report on GHG inventories during its sixth assessment cycle²⁸⁵. The IPCC will review the first special report for adoption in 2018. The second and third special reports will also be reviewed as soon as possible during the assessment cycle. The methodology report is expected to be ready in 2019, the outline of the 6th report (AR6) in 2017, and the synthesis report in 2022.

Given the forecast schedule and the various reports to come, the different decisions that the IPCC adopts are important achievements. These decisions demonstrate the key role that the IPCC plays in implementing the global stocktake described in Article 14 of the Paris agreement.

The first experience will prepare a special report in 2018 on the impacts of global warming of over 1.5°C compared to pre-industrial levels, which should feed into the 2018 global stocktake²⁸⁶. This should make it possible to draw important lessons to feed into the 2023 global stocktake.

As per the COP21 mandate, the SBSTA examined this issue of the IPCC contribution to the global stocktake at the 44th session. Following this review, the SBSTA considered that lessons could be drawn from the past, particularly from the successes and failures in the activities relating the 2013-2015 review²⁸⁷. According to Hoesung Lee, the IPCC Chair, the structured expert dialogue on the 2013-2015 review made it possible for the Paris review to be truly science based²⁸⁸. Outside of the 2013-2015 review process, many recognised that the scientific data available gave added value to the phrasing of the Paris Agreement. They are calling call more for strengthening the assessment of the available scientific research to inform decision making in the global stocktake.

The SBSTA invited the Parties and the organisations with observer status to submit their observations on this issue by 12 September 2016 at the latest, as they have experience in the matter. The SBSTA decided to continue to review this issue at its 45th session (in November 2016)²⁸⁹.

283. Paris Agreement, Article 14.3

284. Paris Agreement, Article 14.2

285. http://ipcc.ch/meetings/session43/p43_decisions.pdf

286. Decision 1/CP.21, para. 21

287. Decision 1/CP.21, para. 21

288. IISD, 2012b.

289. FCCC/SBSTA/2016/L.16

The 2013-2015 technical review experience

In Cancún, it was decided that the GHG emissions reduction target would be periodically reviewed²⁹⁰ to limit the average temperature increase to below 2°C compared to pre-industrial levels, as agreed to in Copenhagen²⁹¹. The two-year review process started in 2013. The process was launched with the Doha decision (in 2012), which specified the specific objectives of the review, and its modalities²⁹². The Parties thus agreed that the review aims to make it a priority to periodically assess the adequacy of the long-term global target of 2°C and the overall progress in achieving this objective. It was also decided that the review would take place in a joint SBSTA/SBI contact group and draw from the conclusions of a²⁹³Structured Expert Dialogue (SED). The final SED report recognises that the objective of limiting the temperature increase to 2°C is “inadequate” for certain regions and ecosystems. It also recognises that even if the state of the science behind the 1.5°C target is less robust, this target is a more prudent safeguard²⁹⁴. The report also states that current efforts are not sufficient to reach the long-term target. It calls for a change in the scale of the effort made. The SED thus proposes to agree on an approach that promotes setting a “buffer zone”, rather than the adoption of a specific number. It also recommends filling the gaps in terms of knowledge for certain regions. This gap has been reported in the most vulnerable regions in particular, such as Africa, the Pacific and the Caribbean.

This process was thus very relevant to the Paris Agreement discussions, especially in terms of the ambition level, as the IPCC Chair Hoesung Lee noted²⁹⁵ at the special event in Bonn in May 2016 on how the IPCC assessments can feed into the global stocktake. Although some countries fear that the review may result in recommendations for the country commitments under the 2015 agreement that are too specific, the results of this process were used to justify the strengthening of the long-term 1.5°C global target, which the SIDS and LDCs have passionately championed.²⁹⁶

At the same time as the 44th session of the subsidiary bodies, a special event on how the IPCC assessments can be used in the global uptake referred to in Article 14 of the Paris Agreement was held on 18 May 2016 in Bonn. According to the note that the SBSTA Chair prepared for this event²⁹⁷, it was advisable to coordinate the results of the IPCC work that could feed into the first global stocktake with the

290. Decision 1/CP.16

291. Decision 2/CP.15, para. 1 and 2

292. Decision 1/CP.18.

293. http://unfccc.int/science/streams/the_2013-2015_review/items/7532.php.

294. FCCC/SB/2015/INF.1, Message 5 [online] <http://unfccc.int/resource/docs/2015/sb/eng/inf01.pdf>.

295. IISD, 2012b.

296. http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/167_131_130777946613560472-UNFCCC-SBSTA-Bonn-June-2015-.pdf

297. SBSTA/IPCC Special Event.2016.1.InformationNote.rev1 [en ligne] unfccc.int/files/adaptation/application/pdf/sbsta_chair_information_note_sbsta_ipcc_special_event_may_2016_rev.pdf

date of entry into force of the Paris Agreement and with the start date of the global stocktake. The purpose of this special event was to improve understanding of the information needs for the global stocktake which are relevant to the IPCC. The IPCC may then consider these information needs as new approaches and accomplishments to be expected in its sixth assessment cycle.

The IPCC Vice-Chairs introduced the targets, approaches, products and schedule for the sixth IPCC assessment cycle. The Co-Chairs of the three IPCC working groups presented how their work could be used for the global stocktake. The Vice-Chair of the Task Force on National Greenhouse Gas Inventories described the relevant methodology work, and the UNFCCC Secretariat described the potential methods for feeding the IPCC products into the global stocktake²⁹⁸.

After this work, the general discussions concerned the lessons from the 2013-2015 review, synchronising the IPCC cycle with the global stocktake, the research on the emissions level that can attain the 1.5°C target, and the use of the national GHG inventories²⁹⁹. There was then more in-depth debate on four main subjects³⁰⁰:

- i. What are the information needs of the global stocktake that the IPCC can examine, beyond the 5th Assessment Report (AR5)?
- ii. How can the IPCC products published during the sixth assessment cycle be tailored to better support the global stocktake?
- iii. How will the IPCC input and other input to the global stocktake be coordinated to ensure complementarity?
- iv. What modalities can we use to integrate the IPCC input into the global stocktake? What experiences under the Convention can offer lessons in terms of modalities for considering the IPCC's input?

Summary of the discussions on the main themes of the special event³⁰¹

The information required for the global uptake that the IPCC could review, beyond the 5th Assessment Report (AR5)

There were some suggestions regarding the information required for the global uptake. Most of the parties consider that the IPCC should be the main source of scientific data for the global uptake. A group of Parties reiterated the necessity of assessing the feasibility, risks and obstacles of the mitigation pathways compatible with the target of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels.

298. IISD, 2016a, p. 22.

299. IISD, 2012b.

300. SBSTA/IPCC Special Event.2016.2.SummaryReport [online] unfccc.int/files/adaptation/application/pdf/specialevent_summaryreport_online.pdf

301. This summary is drawn from the report of the SBSTA Chair (SBSTA/IPCC Special Event.2016.1.InformationNote.rev1) [online] unfccc.int/files/adaptation/application/pdf/sbsta_chair_information_note_sbsta_ipcc_special_event_may_2016_rev.pdf

Some Parties would like to know how the IPCC could provide data on the global targets and progress towards them, and how it could contribute to the NDC analysis. The parties also mentioned the need to have more information on capping global emissions and the need to understand not only the current situation, but also what is required to reach the global targets.

Regarding the overall adaptation objective, the parties have emphasised the need for further information on attaining this target from the IPCC. Some Parties considered that the IPCC should provide further information on adaptation measures and on how to assess the collective progress towards the global stocktake, including the global target for adaptation and the effectiveness of mitigation, adaptation and financing measures. Several Parties would also like the IPCC to provide methodology information related to the adaptation needs of developing countries as well as information on adaptation indicators. In response to these various suggestions, an IPCC expert stated that this is an important question for Working Group II, and that literature is emerging on the pathways and adaptation thresholds. He also said that given the specificity of the global adaptation target, case studies will be particularly useful.

Questions related to loss and damage were also addressed. Several Parties asked to have further information on this from the IPCC in its 6th assessment cycle. In response to this request, an expert stated that the Executive Committee of the Warsaw International Mechanism for Loss and Damage works on its design, including how it must be included in the risk assessment concept developed in the 5th IPCC report. He reassured that the IPCC is available to advise on this subject as necessary.

Regarding funding issues, many Parties brought up the need to have further information on ways to support mitigation and adaptation, as identified in the 2013-2015 review. Some Parties requested information on financing and cost and advantages, particularly the costs of mitigation and adaptation, and the costs of climate change impacts.

Adjust the IPCC cycles and results to better support the global stocktake and to coordinate contributions to ensure complementarity

Regarding this second point, some Parties consider that the SBSTA discussions should address this issue and give directives. Other Parties reiterate that the IPCC has its own procedures for planning its work that incorporates complementarity with the work of other bodies. The IPCC experts reassured the Parties that they ensure that their work schedule is coordinated with the global uptake, to respond to the COP invitation and to incorporate the information needs of the Parties.

Some comments concerned the need for the IPCC to integrate more local information in its 6th report. To this end, the Parties have been asked to strengthen their statistical services, which is particularly important for inventory.

Regarding the publication date of the special report on the impacts of over 1.5°C of global warming, some parties offered the IPCC to move it up to 2018, to adapt it to both the SBSTA discussions in the middle of the year and the 2018 facilitation dialogue. In response to this request, an expert stated that the scientific information required probably would not be available in time for an earlier publication.

Terms for examining the IPCC input to the global stocktake, and the convention experiences that could serve as lessons to this end

The Parties unanimously agree that lessons can be drawn from Convention experiences. The Parties consider that lessons may be drawn from the SEDs, which are open to experts and political decision makers, and which take place in some meetings over a two-year period during the UNFCCC process. One Party suggested that in addition to participating in the technical phase, the IPCC should participate in the political phase of the global stocktake as well.

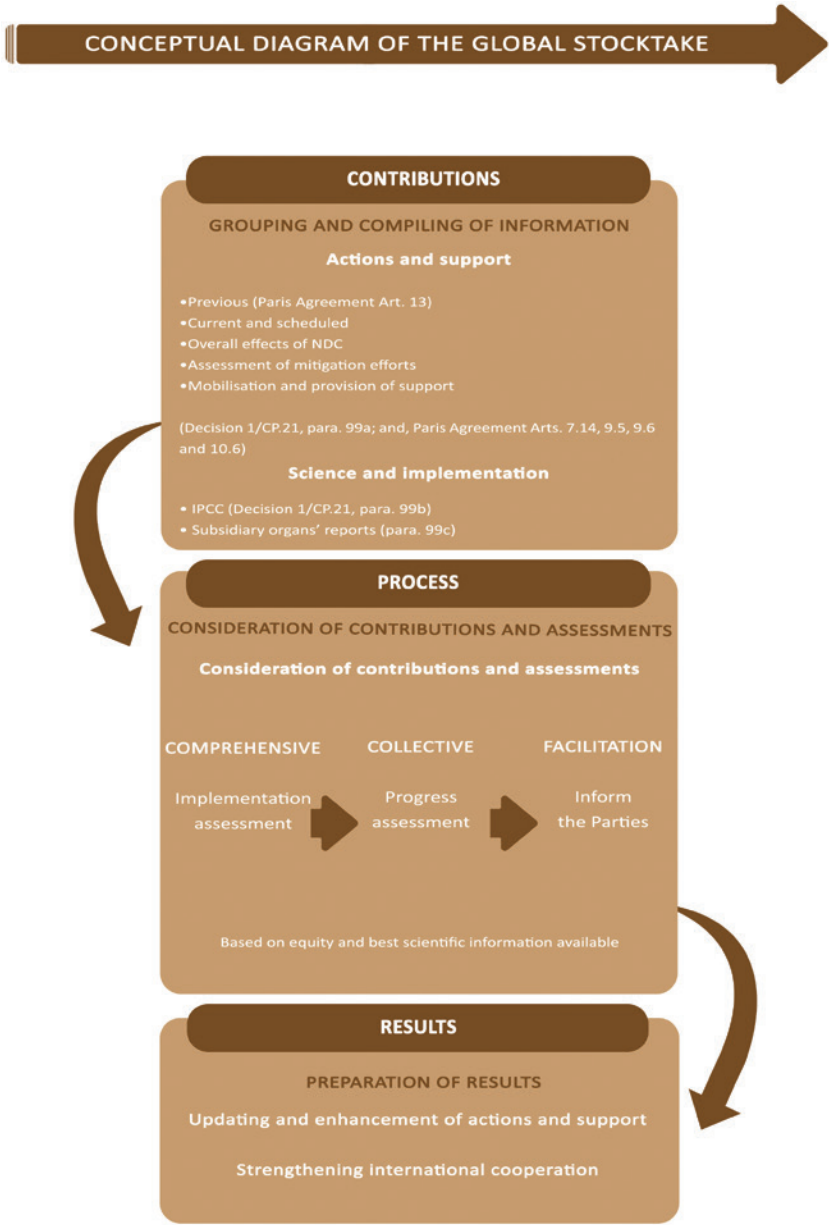
Regarding the terms for revising the IPCC input, several Parties noted the adequacy of the IPCC schedule for the sixth assessment cycle. It was emphasised that the schedule remains flexible in terms of incorporating scientific information, once it is available.

Conclusion

In conclusion, the IPCC Chair noted that the discussion and suggestions of the Parties will help the IPCC to make its products more relevant for decision makers. It added that the IPCC envisages three parts to the global stocktake:

- i. **Aggregation of the efforts of the Parties:** The transparency building for the action and support as per the Paris Agreement will feed into the global stocktake. The IPCC methodology report will be very useful for this.
- ii. **Progress assessment:** The scientific data must be broadened, for example, in terms of the understanding of and estimation of the carbon budget and indicators of early-warning anomalies for emissions pathways, and in terms of infrastructure investment models. There needs to be adaptation units that are agreed upon worldwide. The scientific community can play a role in developing them or in offering advice regarding this.
- iii. **Accelerate progress:** To make significant progress, the scientific community needs to provide information the decision-making framework and process.

Diagram 9. Conceptual diagram of the global stocktake³⁰²



302. © ENERGIES 2050, October 2016 – Based on the conceptual diagram of the UNFCCC Secretariat

This diagram shows how contributions to the global stocktake are related to the entire global uptake process. It emphasises the comprehensiveness, the collective nature and facilitation of the global stocktake.

II.2.2 Issues related to the SBSTA – Questions linked to Article 6 of the Paris Agreement

Decision 1/CP.21 recommends that the CMA adopts directives, rules, modalities and procedures, as well as a framework for new mechanisms drawn up as per Article 6 of the Paris Agreement³⁰³.

- The parameters that contribute to the GHG mitigation mechanism and that promote sustainable development are:
- Voluntary participation authorized by each Party involved;
- Real, measurable, and long-term benefits related to the mitigation of climate change (GHG emissions reduction);
- Specific scope of activities;
- Reductions in emissions that are additional to reductions that would have already been made anyway;
- Verification and certification of emission reductions resulting from mitigation activities by designated operational entities;
- Experience gained with and lessons learned from existing mechanisms and approaches adopted under the Convention;

The type of system to implement to enforce Article 6.4 is still a major question for the Parties. The new mechanism could be a continuation of the previous approach, through which credits were issued for projects and programmes. In Paris, Brazil made a proposal to consider a mechanism whose scale is similar to that of the CDM, an “improved CDM” or a “CDM+”³⁰⁴. Conversely, during the preliminary discussions for a New Market mechanism, the EU and the Environmental Integrity Group proposed a mechanism encouraging action at sector-wide levels³⁰⁵.

Accounting

The existing accounting system under the UNFCCC is differentiated for developed parties and developing parties. By virtue of the Convention, industrialised countries must submit GHG inventory updates each year, whereas developing countries may include these inventories in their biennial update reports that they must submit every two years—except for LDCs and SIDS, which may submit their reports at their discretion—or include them in their national communications, which are submitted every four years.

303. Decision 1/CP.21, Annex, Paris Agreement, Art. 6, para. 1, 4 and 9

304. CEPS, 2016

305. SBSTA, 2014

The Paris Agreement sets a framework for strengthening the transparency of the action and of the support provided to implement these actions. However, it has some flexibility that incorporates the various national capacities. In this framework, each party must submit a national GHG inventory. The SBSTA is tasked with drawing up and formulating opinions on how to apply the provision of the strength of the accounting for cooperative approaches, for adoption at the first CMA session. According to paragraphs 89, 92b and 94a of Decision 1/CP.21, given the flexibility offered as part of the strengthened transparency framework, the developing countries must make efforts to be aligned with this to the extent possible, even if they do not necessarily strictly follow these directives, especially in the first years of their application. The Paris Agreement does not specify how compliance of the accounting of a country will be ascertained, but the new transparency system will probably look into this (see section I.B.13 in Article 13 of the Agreement as well).

As for the accounting system, the CMA may play an active role in making transfers more transparent, via a central registry similar to the existing CDM registry, for example³⁰⁶. If the system is more decentralised, the directive could ask parties to keep their own registry with double-entry accounting and count based on the transparency rules suggested in Article 13, to ensure that the monitoring is sufficient to avoid double counting. All of Article 6 requires that the activities of Parties also promote sustainable development and ensure environmental integrity. As such, the directives, rules and procedures to be drawn up should also provide for modalities that ensure and assess these results based on development objectives.

NDCs and markets

The role of the market-based instruments in the NDCs needs to be clarified, in terms of the accounting—especially concerning the possibility of combining climate funding and market-based mechanisms to implement political instruments as well as mitigation projects.

Mitigation “results”

Until the decisions shed more light on some questions, it will be useful to define the scope of what can be considered as a “mitigation result” that can be transferred between countries. Under the Kyoto Protocol, Certified Emission Reductions (CERs) from CDM projects are an accounting unit for transferring obligations, and also for defining the scope of the international transfers that are accepted. In other words, only the transfers involving CERs are accepted in the presentation of national GHG accounts. The Parties will also need to examine if other forms of cooperation could be considered, as per paragraph 2 of Article 6. For example, the Joint Crediting Mechanism, a Japanese initiative that has some similarities with the CDM, or the bilateral link between the two exchange systems. The transfer concept implies that one or several countries that do not have an absolute target for all of their economies may trade mitigation units. This poses problems for the objective of avoiding double counting.

306. CEPS, 2016

The institutional aspect

The Parties must decide on the institutional governance modalities for the new mechanism. The CDM is managed by an Executive Board composed of ten representatives, including one member from each of the five UN regional groups, two members from the parties referred to in Annex I, two members from Non-Annex I parties, and one representative from the SIDS. Similarly, JI has a supervisory committee to monitor project verification. The new mechanism from Article 6.4 could directly include one of these institutions. The CDM and JI already have procedures for developing projects that are ultimately credited. The Parties may decide to transfer part of this set of rules to the new mechanism, or they may decide to adopt new procedures.

Developing new rules

The Kyoto Protocol established the CDM in 1997. However, it took four years to set the CDM, in the Marrakesh Accords in 2001. It is possible and advisable to not take as much time to draw up the rules of Article 6.4, in light of all the experience with the CDM and JI. However, as the governments have diverging views on the role of market-based mechanisms, it will be difficult to quickly draw conclusions on these fundamental issues. The difficulty in reaching a consensus on market-based mechanisms has been reflected in the slow progress in their negotiation since 2011, in the UNFCCC framework, working towards a Framework for Various Approaches (FVA) and the NMMs. However, the fact that several countries have attached importance to international markets in their NDCs suggests that there may be a strong impetus to find a viable system quickly.

The sustainable development component of Article 6

With its adoption of the 17 sustainable development goals in 2015, the international community has a robust base for using the concept of sustainable development, in the context of Article 6 of the Agreement, for example. Although the voluntary market produced some experience with the co-benefits of mitigation activities in terms of the activity programmes and projects, the CDM does not have strict rules for analysing the positive impacts of sustainable development and the prevention of negative impacts.

The Parties must thus decide if the SDM and cooperative approach participants should analyse the positive and negative impacts of the suggested activities beforehand, and if a follow-up of these results will be required.

As the Paris Agreement aims to mitigate GHG emissions, it incorporates part of the sustainable development goals. SDM rules could thus require that the implemented results of the Agreement be monitored by MRV approaches that have yet to be determined. The Parties must decide whether an upstream assessment and results follow-up in terms of sustainable development will be mandatory or voluntary, and whether the rules will be set up in a centralised manner, or if the Parties will be free to set up their own approaches to integrate sustainable development.

Finalising the CDM reform and the NMM and FVA negotiations

The future of the flexibility mechanisms of the Kyoto Protocol is also uncertain, particularly regarding the integration of elements of the CDM and JI in this new mechanism. The Paris Agreement does not mention the CDM or JI. However, it does note that the new mechanism must build on the experience of the existing mechanisms. Likewise, it is difficult to know if the units produced by the Kyoto mechanisms will be eligible after 2020. If they are eligible, it is not easy to ascertain whether they should be converted into some type of alternative credit, to comply with the framework of the new mechanism.

The negotiators may also decide to transfer the methodologies of CDM projects to apply them in the new mechanism, to not incorporate some of these existing approaches, or to develop more of them (for example, by developing methodologies for sector-level activities). The negotiators may also envisage other methods used outside of the UNFCCC.

It will be important to quickly finalise the modalities and procedures of the CDM reform (at MOP 12 in Marrakesh) to offer some assurance to market players and to show that there will continue to be a programme in the SDM. This would also enable the institutional organisation of the designated national authorities (DNAs) to continue.

At the same time, it will be important to continue and potentially complete the CDM reform, so that lessons from this process can be used to develop the SDM, and to start a coordinated and transparent transition from the CDM to the SDM. As such, it is also important for the Parties to set the terms of the eligibility of the CDM portfolio for the SDM. They may be various levels of eligibility, to restrict the supply, and also to ensure CDM project developers that it will be possible to continue high-quality projects. It will be interesting to see if, and under what conditions, an activity transition from the CDM / JI toward the SDM will be authorised. Continuing CDM activities might only be possible if these activities fulfil criteria that ensure environmental integrity³⁰⁷. These criteria could be: additionality, benefits for the host country and contribution to global mitigation of global emissions. The last two criteria may require adapting baselines to make them more conservative. This approach could make it easier to make the new mechanism operational more quickly, and could send a positive signal to the private sector, even though it might not settle the fundamental question of the origin of the request. Regarding all the rules inherited from the CDM and JI, assigning a mandate to the Executive Board to review all of the existing rules in order to identify the elements that may be used, and those that must be modified in the Paris Agreement, would offer an opportunity to respond to these questions.

At the same time, it is important to make progress on simplifying the methodologies (such as the standardised baselines), and to share these results so that they can be applied to the SDM.

307. Voigt, 2016

II.3 The issues related to the Ad Hoc Working Group on the Paris Agreement (APA)

By adopting the Paris Agreement, the United Nations Framework Convention on Climate Change (UNFCCC) also decided to run a major work programme accompanying it, via Decision 1/CP.21. The UNFCCC decided to establish the Ad Hoc Working Group on the Paris Agreement (APA)³⁰⁸.

Currently, in the post-Paris context, this new process is the most important climate change negotiation round in the various bodies that have been mandated to prepare the entry into force of the Paris Agreement and making it operational. As such, this process determines the future of the fight against the effects and consequences of climate change, especially for the most vulnerable countries, including the LDCs and SIDS.

For the first time, the States Parties to the Convention have agreed on the joint commitment to reach the target keeping the average global temperature increase to less than 2°C by 2100, and even to 1.5°C. They thus share the same vision in terms of mitigation, as well as a global adaptation target that is yet to be determined. Furthermore, these Parties agree to work together and to work to make support, transfer, and various other forms of cooperation available, which may be financial, technical, technological, or which may build capacity to provide a more effective response to climate change, via mitigation, adaptation, loss and damage, deforestation, land degradation, etc. in a transparent, evolving and sustainable framework.

The mandate of the Ad Hoc Working Group on the Paris Agreement (APA)

- Prepare the entry into force of the Paris Agreement;
- Prepare and convene the first Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA);
- Prepare draft decisions that the CMA should adopt at its first session.

The APA shall mainly be guided by the work programme elements that Decision 1/CP.21 mandates. The APA must detail the stipulations of the Paris Agreement and prepare the implementation support for its components, especially: the target, mitigation, national contributions, adaptation, loss and damage, financing, technologies, capacity building, transparency, the global stocktake, preparation for the entry into force, etc.

This work must be conducted in the negotiation sessions of the APA, as well as in the two other subsidiary bodies (SBI and SBSTA) of the UNFCCC. Several bodies constituted under the Convention have also been mandated to help implement the work programme and to help make the Paris Agreement operational, such as the Adaptation Committee, the Least Developed Countries Expert Group, the Standing Committee on Finance, the Green Climate Fund, the Global Environment Facility, the Technology Executive Committee, the Paris Committee on Capacity Building, and the Executive Committee of the Warsaw International Mechanism for Loss and Damage.

308. Decision 1CP/21, para. 7, p. 3

Diagram 10. The implementation of the Paris Agreement ... Main mechanisms “for review and adoption” at CMA 1³⁰⁹

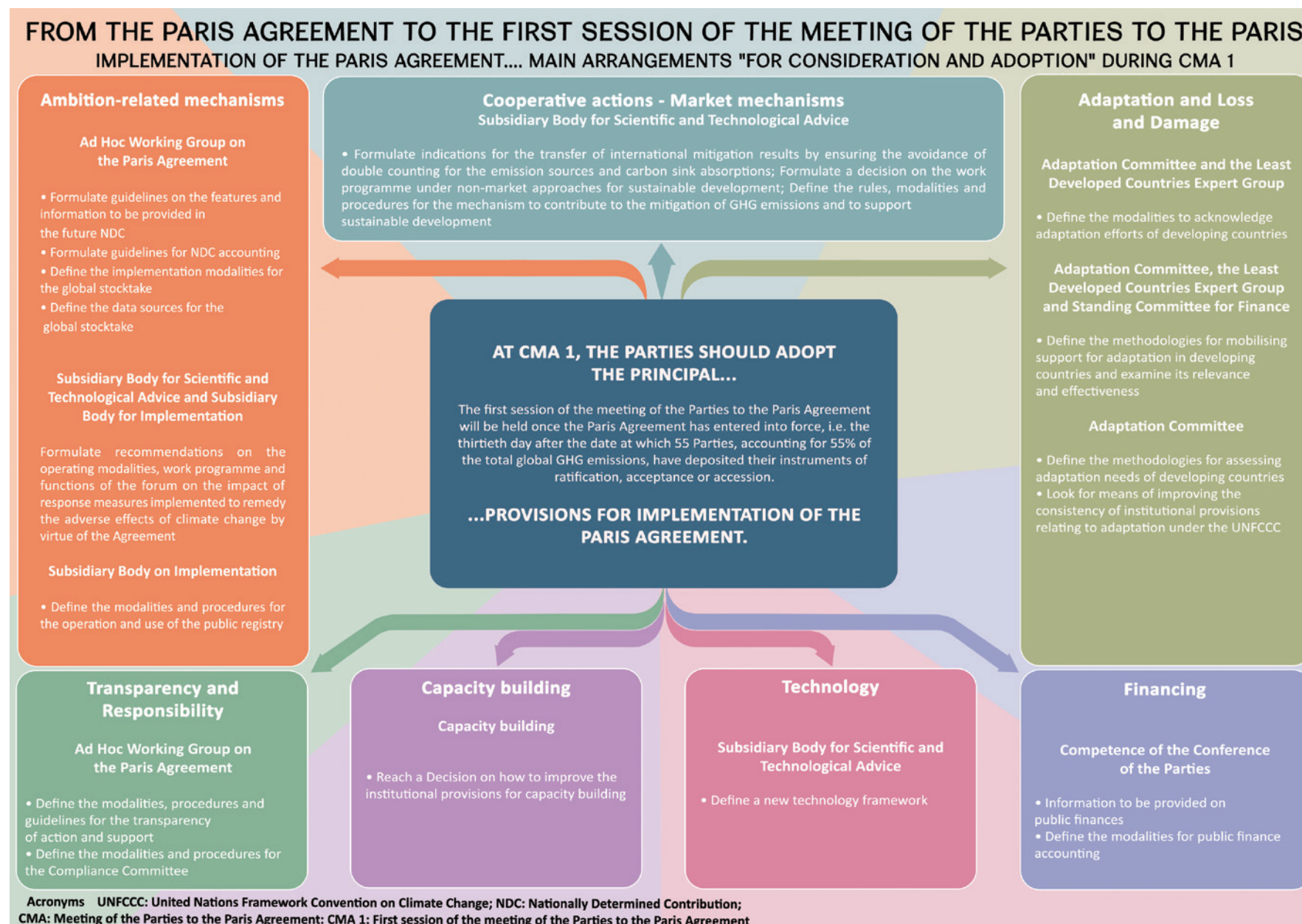
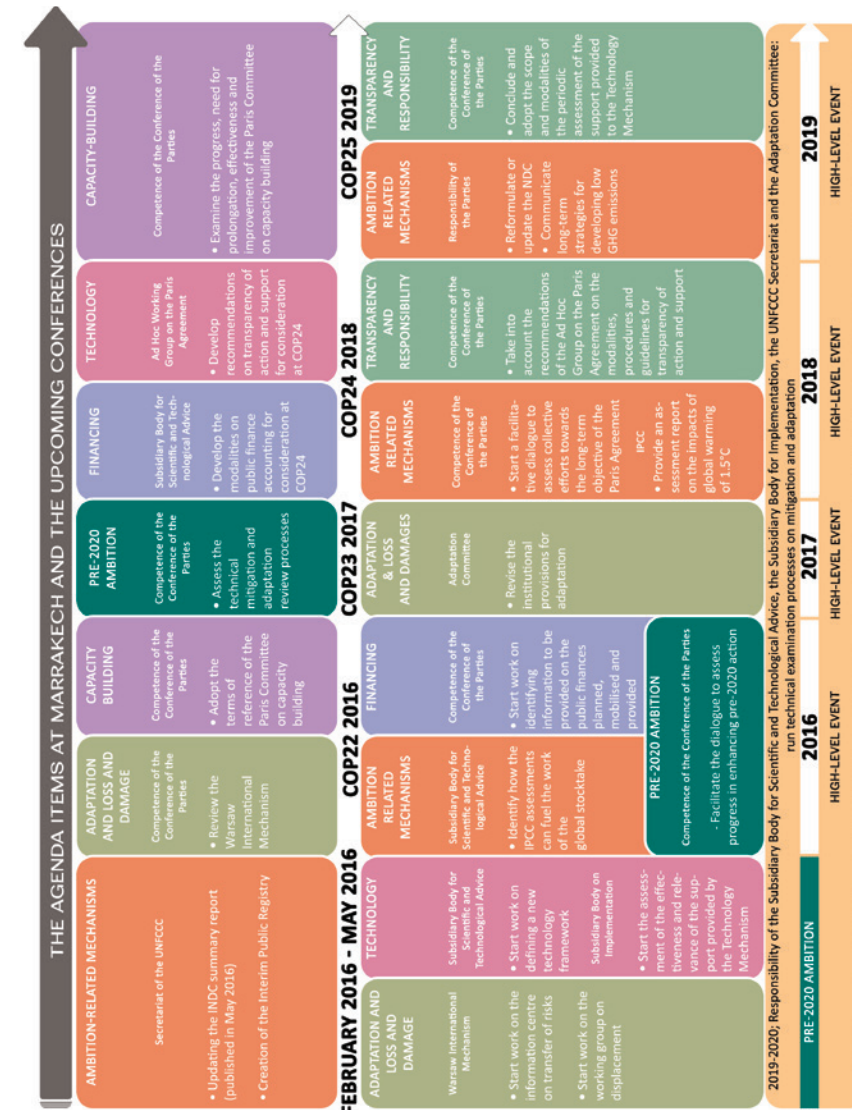


Diagram 11. Timeline of the implementation of the Paris Agreement ... The points in the Marrakesh agenda and the upcoming Conferences³¹⁰

LA MISE EN ŒUVRE DE L'ACCORD DE PARIS EN QUELQUES DATES



310. © ENERGIES 2050, October 2016 - See also the UNFCCC Progress tracker (last consulted on 5 October 2016) [online]
http://unfccc.int/files/paris_agreement/application/pdf/progress_tracker_08092016_@1500.pdf

The APA activities, similar to those of the other bodies and groups constituted and mandated by Decision 1/CP.21 should be completed, considering and based on the existing procedures and modalities, by improving, strengthening and/or developing new elements as needed for new measures.

For example, countries could continue to consider the issues of transparency within the existing system, via international consultation and analysis for developing countries, and assessment and review for developed countries, based on two parallel reporting systems—biennial update reports for the former and biennial reports for the latter.

In May 2016, at the 44th Session of Subsidiary Bodies and the first APA meeting, the States Parties to the Convention unanimously elected two co-chairs and a rapporteur to lead the work of the new body, based on the governance rules established in 2012 for the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), as per the provisions made in Decision 1/CP.17³¹¹.

Every year, the APA must present a report for the United Nations Framework Convention on Climate Change (UNFCCC) on the progress related to the entry into force of the Paris Agreement and the provisions made to make its elements operational.

II.3.1 The first APA session

The first APA, held from 6 to 16 May 2016 in Bonn, Germany, is an essential step for the success of the current negotiation process and for preparing the Marrakesh Conference. Although the session got off to a rough start, it was able to finally note significant progress on the following fundamental points:

- Adoption of the APA agenda
- Adoption of the mode of planning the APA 1 work
- Election of the APA Bureau
- Agreement on some lines of work of the subsidiary bodies that are important for the coherence of the work programme

In fact, prior to and after the APA session in May 2016, countries and country groups had expressed reservations regarding the concept note³¹² jointly presented by the COP21 Chairmanship (France) and by the future COP22 Chairmanship (Morocco), especially regarding the proposals for priority points that need to be added to the draft APA. These Parties consider that the initially suggested agenda was focused on mitigation, and that an acceptable agenda should equitably reflect all the elements of the Paris Agreement.

311. UNFCCC, 2011a, Decision 1/CP.17

312. UNFCCC, 2016b

As mentioned earlier, other bodies constituted under the Convention were mandated just like the APA, and the two other standing subsidiary bodies of the Convention were mandated to run the work programme to prepare the entry into force and implement the Paris Agreement. Some of these bodies are not directly under the authority of the Convention Secretariat, such as the Global Environment Facility and the Green Climate Fund, which are mandated to develop provisions related to financial issues, and the Climate Technology Centre and Network (CTCN) for technological aspects³¹³.

Thus, for some Parties, the APA agenda should be designed so that negotiators can feel confident that all the elements of the Paris Agreement will be treated in a balanced and equitable manner, all treated with the same importance. This would still be the case even if some elements of the work programme established by Decision 1/CP.21 were on the agendas of the two other standing subsidiary bodies of the Convention or of other mandated committees and groups.

Many countries and country groups also asked for explanations and clarifications on the content of certain points in the initial provisional agenda, such as the description of the elements of the Nationally Determined Contributions (NDCs), the modalities for planning and running the global stocktake, and questions relating to transparency and compliance.

After APA 1 work began on 17 May 2016 in Bonn, and following the speeches of countries, country groups and alliances, the expected difficulties in adopting the agenda took centre stage for APA 1. The APA Co-Chairs (Saudi Arabia and New Zealand) had to spend two days on consultations to reach a consensus on the APA agenda. Minor amendments³¹⁴ were made to the initial draft agenda, which essentially consisted of the addition of the following two points:

1. Point 4: New communication guidelines for adaptation, which are included in the Nationally Determined Contributions, referred to in Article 7, paragraphs 10 and 11 of the Paris Agreement.
2. Point 8(c): Assessments of the progress made by subsidiary bodies and bodies constituted in the mandate that they have received in virtue of the Paris Agreement and Section III of Decision 1/CP.21, to promote and facilitate the coordination and coherence of the execution of the work programme, and if necessary, to take measures that may be in the form of recommendations.

313. UNFCCC, 2016b, Annex II, pp. 6-11

314. United Nations, 2016.

II.3.2 The APA agenda

The modifications to the initial APA agenda following the deliberations of the Parties made it possible to respond to the expectations of most of the developing countries concerning adaptation and coherence between negotiation bodies. At the end of the first week, the APA was able to adopt its agenda based on six (6) essential points, as the below box explains.

Essential points of the APA provisional agenda

Point 3 Additional directives related to the Mitigation section of Decision 1/CP.21 on:

- (a) NDC characteristics, as paragraph 26 specifies;
- (b) Information to improve the clarity, transparency and understanding of the NDCs, as paragraph 28 specifies;
- (c) NDC accounting for the Parties, as paragraph 31 specifies.

Point 4 Additional directives related to communication on adaptation, including the adaptation component of the NDCs, referred to in Article 7, paragraphs 10 and 11, of the Paris Agreement.

Point 5 Modalities, procedures and directives for action transparency and support, referred to in Article 13 of the Paris Agreement.

Point 6 Issues relating to the global stocktake referred to in Article 14 of the Paris Agreement.

- (a) Identification of the sources of information for the global stocktake;
- (b) Development of the modalities of the global stocktake.

Point 7 Modalities and procedures for the effective operation of the committee to facilitate the implementation and to encourage compliance with the stipulations, referred to in Article 15, paragraph 2 of the Paris Agreement.

Point 8 Other issues related to the implementation of the Paris Agreement:

- (a) Preparation of the the entry into force of the Paris Agreement;
- (b) Preparation of the convening of the first CMA session;
- (c) Assessment of the progress made by the subsidiary bodies and the bodies constituted under the Convention relating to their work mandated by the Paris Agreement and by Section III of Decision 1/CP.21, to promote and facilitate coordination and coherence in implementing the work programme, and, if necessary, to take measures, including recommendations.

In addition to showing the APA agenda points, Diagram 12 below also shows the work of the subsidiary bodies that are mandated to implement the work programme.

Diagram 12. The areas of work of the subsidiary bodies related to elements of the Paris Agreement and the decision accompanying it³¹⁵



315. © ENERGIES 2050, October 2016 - According to UNFCCC, 2016b, Annex I, p. 5

II.3.3 Planning the APA 1 negotiation work

The second challenge for this first session was to agree on how to plan the work of this new body, including the work for the subsequent APA sessions, until the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1).

Despite the keen interest for and the momentum from the adoption of the APA agenda, and the availability of all countries to start negotiating quickly, the opening statements following the agenda adoption revealed that most developing countries, and some developed countries, would like the negotiations to take place with a minimum number of formal and informal groups to accommodate small delegations in particular, and avoid a situation where similar or related subjects (financing, technology, transparency, etc.) are discussed in parallel in different groups, as the negotiators of the delegations, who are usually specialized in certain subjects, cannot be in more than one meeting at a time.

It is truly a challenge to optimise time without forgetting any element in quantitative or qualitative terms—when countries, country groups, and alliances may have different priorities and concerns, and when there may be restrictions in terms of time and space.

This second challenge also required two days of informal consultations to reach a consensus on planning the APA work, keeping in mind that some countries, country groups, and alliances considered it was important to have the time and space required to meet and coordinate their positions as the negotiations evolved.

The States Parties to the Convention accepted the proposal of the APA Co-Chairs to continue their work in a single contact group³¹⁶ that must consider the six essential point of the agenda, to handle the issue of funds, review progress, determine the path to take, and review the draft conclusions. Informal consultations will be organised to examine the technical aspects more closely, prior to the next contact group meeting.

The final report of the first APA session details the elements to consider at its next session in Marrakesh. In particular, it stated how its work should be organised, and the consistency of this work³¹⁷. The APA Co-Chairs will be sure to make progress and cover all the elements in points 3 to 8 of the agenda³¹⁸ at the resumed session of the first APA session at COP 22.

316. IISD, 2016a.

317. UNFCCC, 2016b, para. 14-25, pp. 4-6

318. United Nations, 2016

II.3.4 Making progress on the work of the subsidiary bodies

All the negotiators at the Bonn session in May 2016 considered that the issues under negotiation needed to make progress in the most optimal fashion possible, whether this would be under APA 1, SBI 44 or SBSTA 44, especially the issues from the Paris Agreement and/or Decision 1/CP.21.

The objective was to finalise as many points on the agenda as possible, or at least take them to the most mature stage possible in the negotiations, so that they do not take up a lot of time or space in Marrakesh. In light of this, there were many reminders of the importance of making COP 22 a meeting that is action-oriented and that implements, rather than just a continuation of negotiations, so that the Paris Agreement can be operational as soon as possible.

In Bonn in May 2016, there was more of an exchange of viewpoints than a negotiation of the wording of the elements in APA 1. There were several reasons for this, namely:

- The very large amount of time spent on concluding the agenda and work planning;
- The fact that many countries, country groups, and alliances requested explanations and clarifications concerning how to interpret the Agreement and Decision 1/CP.21, which required and led to an exchange of viewpoints.

Thus the below pending questions³¹⁹ must be taken up at the second part of the first APA meeting. The APA exceptionally suspended its work in Bonn to take it up again in Marrakesh, in a more substantial fashion³²⁰:

- New directives regarding the Decision 1/CP.21 section on mitigation, and more specifically, on Nationally Determined Contributions (NDCs).
- New directives on adaptation communication, as a component of the NDCs that Articles 7.10 ad 7.11 of the Paris Agreement, for example.
- Modalities, procedures and directives for the support and action transparency framework
- Questions regarding the global stocktake
- Modalities and procedures so that the committee operates effectively, aiming to facilitate the implementation and encourage compliance with the stipulations
- Other issues related to the implementation of the Paris Agreement, such as:
 - Preparing the entry into force
 - Preparing the CMA 1 meeting
 - Assessment of the progress made by the subsidiary bodies and by the constituted bodies and groups in their their work mandated to them by the Paris Agreement and by Section III of Decision 1/CP.21, to promote and facilitate coordination and coherence in implementing the work programme, and, if necessary to take measures, which may include recommendations.

319. IISD, 2016a.

320. UNFCCC, 2016b, para. 34, p. 7

Note that two other subsidiary bodies of the UNFCCC handle other elements of the Paris Agreement, and have made significant progress. This significant progress has been noted, in particular via the conclusion of some elements of the two standing UNFCCC bodies. Draft texts (decisions and/or conclusions) were finalised and prepared ³²¹ for COP 22, namely concerning:

- The results of the International Assessment and Review process: draft decision FCCC/SBI/2016/L.12/ Add.1
- The review of the guidelines to prepare the National Communications of developed countries (Annex I countries of the Convention): draft decision FCCC/SBI/2016/L.22
- The provision of financial and technical support for the National Communications of developing countries (non-Annex I countries of the Convention): FCCC/SBI/2016/L.11
- Drawing up modalities and procedures for the operation and use of a public registry referred to in Article 4.12 (NDC registry) of the Paris Agreement: FCCC/SBI/2016/L.18
- Drawing up modalities and procedures for the operation and use of a public registry referred to in Article 7.12 (adaptation communications registry) of the Paris Agreement: FCCC/SBI/2016/L.19
- Guidance on how the IPCC assessments may feed into the global stocktake of the Paris Agreement. FCCC/SBSTA/2016/L.16
- Methodological questions related to the Kyoto Protocol - land use, land-use change and forestry (LULUCF): FCCC/SBSTA/2016/L.6

II.3.5 Stakes of APA 1-2 in Marrakesh

Based on the results and the progress of negotiations of the May 2016 session, what could be the stakes for APA 1-2 in Marrakesh, at the 22nd Conference of the Parties of the United Nations Framework Convention on Climate Change?

APA has two types of stakes. The first stake is moral; the second stake is operation.

Morally speaking, ***there is no doubt that the main stake is to keep the clearly positive spirit of COP 21 in Paris, and to bolster confidence the multilateral process.*** The agreement that was obtained is so complex and sensitive that this positive dynamic needs to continue and even be strengthened in Marrakesh, to keep the balance and the consensus obtained, and to ensure that conclusions and decisions follow them.

321. UNFCCC, 2016, *In-session documents May 2016 – APA* [online]
http://unfccc.int/meetings/bonn_may_2016/in-session/items/9555.php
 UNFCCC, 2016, *In-session documents May 2016 – SBI* [online]
http://unfccc.int/meetings/bonn_may_2016/in-session/items/9553.php
 UNFCCC, 2016, *In-session documents May 2016 – SBSTA* [online]
http://unfccc.int/meetings/bonn_may_2016/in-session/items/9554.php

As for the operational stakes, they are as important and decisive as the moral stakes. The Marrakesh conference must be action-oriented and the implementation of the Paris Agreement, as the French chairmanship of COP 21 and the Moroccan chairmanship of COP 22 have already announced, and as indicated in the roadmap of the two designated champions³²².

Below are the main operational stakes:

The stake related to the ratification process and the early entry into force of the Paris Agreement:

As the depository of ratification instruments, the United Nations Secretary-General launched the process for ratifying the Paris Agreement on 22 April 2016. At the closing of COP 21, all States Parties to the UNFCCC wanted and requested this ratification process, which was recorded in the decision accompanying the Paris Agreement. When the Agreement was open for signature, 178 countries signed the Paris Agreement. 17 of these countries submitted their ratification instruments on this occasion as well. This process reached its dual threshold target earlier than expected, which implied the triggering of the effective entry into force of the Agreement.

In fact, as of 5 October 2016, 72 countries had ratified the Agreement, representing 56.75% of global emissions. On top of this, China and the United States, two of the most important world players in the fight against climate change, agreed to accede to the Agreement in 2016³²³. Approximately one month afterwards, India and New Zealand then ratified the Agreement, bringing the greenhouse gas emissions covered to 51.89%, just under 3% of the threshold. On 4 October 2016, the European Parliament voted to ratify the Paris Agreement, thus validating the approval of the Council of Ministers of the European Union, which met on 30 September 2016. On 5 October, the conditions for the entry into force were fulfilled when Austria, Bolivia, Canada, France, Germany, Hungary, Malta, Nepal, Portugal and Slovakia, as well as the European Union, submitted their ratification instruments to the Secretary-General.

The Paris Agreement will enter into force 30 days after the date that the double threshold is reached—after ratification by at least 55 countries representing at least 55% of global emissions, or on 4 November 2016. The first Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1) will thus be held in Marrakesh, at the same time as COP 22 and MOP-KP 12.

This feat for climate diplomacy was possible due to the strong political support for the Paris Agreement and the personal commitment of the United Nations Secretary-General, who convened two major meetings in New York in 2016 to support the ratification. The last meeting was on 21 September 2016, which enabled 31 Parties to submit their instruments of ratification.

322. UNFCCC, Newsroom, 2016b

323. USDS, 2016

This is thus an important stake for the Marrakesh conference, which should determine the options to be implemented to continue and to execute the work programme that should draw up the rules, modalities, procedures, directives, and mechanisms to make the Paris Agreement operational. This was initially assigned to the APA, in cooperation with standing subsidiary bodies and bodies constituted under the Convention and designated for this purpose. New modalities should determine the continuation, duration, and conditions for the existence of the APA, as well as the decision-making elements that it must prepare for CMA 1. This is additional to what the other subsidiary bodies or expert groups and committees mandated in Decision 1/CP.21 must accomplish.

In this case in particular, it is important to consider the potential role and position of the countries which have not yet ratified the Paris Agreement and which will not be Parties to the Agreement, on the date of its entry into force and of the convening of the first CMA session. Would they be included in the continuation of the technical procedures and rules, by assigning them the status of observer members to the CMA? Would they really play a role in the decision-making process? They could, in the event that the CMA 1 is suspended and the APA mandate is extended, or in the event that the subsidiary bodies are mandated to continue the APA work.

In Bonn in May 2016, during the discussions on the potential early entry into force, many countries supported a quick entry into force of the Paris Agreement to keep the COP 21 spirit alive. Other countries called to prioritise the ratification of the Doha Amendment. Some countries were concerned about the future of the APA—should it be suspended? Continued? Should the CMA be suspended and relaunched later?

This issue would require the COP 22 to take on additional work, given the preparation and adoption of decisions concerning the APA and CMA.

Do also note that even in the event of an early entry into force, the NDC implementation schedules, as specified in the communications of the Parties (from 2020), are still valid. The current priorities are to draw up the modalities and procedures, and to prepare the implementation, especially appropriate and adequate climate financing.

The stake related to the finalisation and submission of Nationally Determined Contributions:

Paragraph 22 of Decision 1/CP.21³²⁴ invites Parties to “communicate their first nationally determined contribution ***no later than when the Party submits its respective instruments of ratification, acceptance, approval*** of the Paris Agreement, or accession to it; if a Party has communicated an intended nationally determined contribution prior to acceding to the Agreement, that Party ***shall be considered to have satisfied this provision*** unless that Party decides otherwise”.

324. Decision 1/CP.21, para. 22, p. 4

In this same Decision, the APA is asked to draw up new directives for the characteristics of the NDCs, and information that should clarify and explain them, which the CMA should review and adopt³²⁵. The main challenge here was to make as much progress as possible in drawing up these new directives, with a view to an early entry into force of the Paris Agreement.

In other words, many countries are concerned about the future directives for the NDCs. Most of these countries have submitted their national contributions based on what they have understood and evaluated. For many countries, this is the very first experience in quantified GHG emissions reduction commitments and adaptation actions, with adequate support, which must be upheld.

The issue related to the coherence of the process:

Regarding the coherence of the process for the preparation and implementation of the Paris Agreement, there were interesting discussions at APA 1 in Bonn. The objective was to avoid repetition and duplication by the various subsidiary bodies and groups and committees of experts mandated to prepare draft conclusions and decisions for APA 1 and during the following APAs.

This important element was added to the APA 1 agenda, based on the initial proposal made by the African Group. It will enable Parties to regularly examine the coherence of the preparation and of the implementation of the elements of the Paris Agreement and the decision that accompanies it, via three subsidiary bodies, as well as other committees and bodies constituted under the UNFCCC.

The stake is thus to ensure that each element (adaptation, mitigation, financing, transparency, capacity building, loss and damage, etc.) is given appropriate attention in quantitative and qualitative terms, in terms of space and time at COP 22 and at the subsequent negotiation sessions.

The stake is also to allow Parties to examine the ways to strengthen coordination and ensure balanced progress³²⁶ in the bodies mandated by the Paris Agreement and the decision that accompanies it. This should consider the time that will be devoted to the negotiations, to the priorities that some countries, country groups and/or alliances shall request, the potential early entry into force of the Paris Agreement, and the first CMA.

Conclusion:

The APA is a new body based in Paris that works closely with other subsidiary bodies. The bodies that have been constituted have been mandated for the implementation of an ambitious work programme aiming to prepare the entry into force of the Agreement, as well as to draw up the directives, rules, and procedures that should enable the Paris Agreement to be completely operational. With the start of this work in Bonn in May 2016, and the decision-making concerning

325. Decision 1/CP.21, para. 26 and 28, p. 5

326. IISD, 2016a.

the planning of its work, including the work programme, the APA should make progress on fundamental questions starting from the second part of its first session in Marrakesh. The APA negotiators are dealing with a particularly challenging situation, with the confirmation of the entry into force of the Paris Agreement on 4 November 2016, whose implications include but are not limited to administrative, organisational, and procedural aspects for the APA. The negotiators should incorporate the crucial stakes of the APA, to decide what its future process should be.

Measures must be taken to manage the early and rapid entry into force of the Paris Agreement, and ensure that progress is made in drawing up the required rules and procedures, and modalities and directives. However, we need to be realistic, and the options to be considered in a spirit of consensus must be finalised and implemented as soon as possible.

Part III

The main subjects under debate

III.1 Pursuing efforts towards 1.5°C

The Copenhagen Accord was concluded at COP 15 in 2009. It referred to an assessment of the ultimate target of the Convention by 2015, which could incorporate scientific work on a 1.5°C increase. However, this was mainly a target that deserved to be taken into consideration in the future.

In particular, this concept has gained ground via an accumulation of scientific knowledge, mainly based on GHG emissions trajectories that can limit the temperature increase to 2 °C³²⁷, dangerous disturbances to the climate system which would result from this, and the many potential consequences of this warming, such as a significant rise in sea levels and massive population displacement, desertification of certain regions, and their consequences—malnutrition and famine, a massive increase in natural disasters such as storms, cyclones, floods, etc.

The Paris Agreement is the first to set a target to limit global warming to 1.5°C. The Parties also recognised that the 2030 emissions trajectory from the INDCs submitted by the parties must be decreased by 28% to reach 2°C by 2100. The Parties also recognised that more scientific data is required to establish a least-cost trajectory to achieve the 1.5°C target³²⁸.

To fill these knowledge gaps, the Parties invited the IPCC to present a special report in 2018 on the consequences of global warming of over 1.5°C compared to pre-industrial levels, and the related pathways of the evolution of global greenhouse gas emissions.³²⁹ The IPCC accepted this invitation at its 43rd meeting³³⁰. There is no doubt that this is a major challenge, with the current commitments of the Parties leading to an average temperature increase that could reach approximately 2.7°C³³¹ to 3.5°C³³² at the end of the century, according to two independent analyses.

327. IPCC, 2014a, p. 5

328. FCCC/CP/2015/10/Add.1, para. 17.

329. FCCC/CP/2015/10/Add.1, para. 21.

330. FCCC/CP/2015/10/Add.1, para. 20.

331. Analysis of Climate Action Tracker at 8 December 2015 on 158 INDCs representing 185 countries [online] http://climateactiontracker.org/assets/publications/briefing_papers/CAT_Temp_Update_COP21.pdf.

332. Analysis of Climate Interactive at 18 May 2016 [online] <https://www.climateinteractive.org/wp-content/uploads/2015/12/Stronger-Pledges-May-2016.pdf>.

In Paris, several developing countries emphasised that it is important for them to limit the global temperature rise to 1.5°C, rather than 2°C, as their populations are dealing with various repercussions of the warming that has already happened. The ALBA³³³, AOSIS³³⁴, Coalition for Rainforest Nations³³⁵, African Group³³⁶ and LDC Group³³⁷ have all made 1.5°C one of their main objectives for Paris. The African Group and AILAC have also suggested that an increase of over 1.5°C should involve developed countries offering more funding to developing countries, which would probably be confronted with the most harmful effects of global warming³³⁸. However, limiting the global temperature increase to 1.5°C is a major challenge. This is partly because most of the scientific work to date has examined the options to limit the increase to 2°C. This is also partly because there is barely a decade left before we cross the threshold of an average global temperature rise of 1.5°C, compared to pre-industrial levels³³⁹.

With a view to this, and to have better tools to pursue efforts aiming to limit the average global temperature rise to 1.5°C by 2100, the Parties decided to “*convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of Parties in relation to progress towards the long-term goal*”. However, it is plausible that continued efforts in this direction could hit a stumbling block. On the other hand, for instance, an independent analysis published in May 2016 suggests that reaching the 1.5°C target would imply that developed countries would actually need to reduce their GHG emission by 45% by 2030, compared to their 2005 emissions baseline. This means that the efforts currently proposed in the NDCs of some of these countries would need to be intensified³⁴⁰.

For example, the analysis suggests that the European Union should increase its effort in its NDC by 22% for the 2025–2030 period, reducing its GHG emissions by 62% in 2030 compared to the 1990 baseline, in contrast to the 40% reduction that is currently planned. As for the United States, its NDC effort is based on its 2005 emissions. The analysis suggests that limiting the global temperature increase to 1.5°C would require the ambition of the United States to be almost 2.5 times higher, with an emissions reduction of 60% by 2030, instead of 26%. As for all the other developed countries, their cumulative effort implies an increase of their collective GHG emissions by 2% compared to the 2005 baseline. The analysis also suggests that reaching 1.5°C would require them to actually reduce their emissions,

333. ALBA, 2015

334. AOSIS, 2015

335. Coalition for Rainforest Nations, 2015

336. African Group, 2015

337. https://unfccc.int/files/bodies/awg/application/pdf/submission_by_nepal_on_behalf_of_ldc_group_on_views_and_proposals_on_the_work_of_the_adp.pdf

338. African Group, 2013; IISD, 2015c, p. 5 for AILAC, Mexico and the Dominican Republic

339. Reuters, according to data from the UK Met Office’s Hadley Centre, 2016, [online] <http://www.reuters.com/article/us-climatechange-impacts-conference-idUSKCN11S1FE>

340. Climate Interactive, 2016

by 60%, over this same period. Finally, according to this same scenario, China would need to cap its GHG emissions in 2025 rather than in 2030. The rest of the developing countries would be asked to cap their emissions in 2027.

In addition to this independent analysis, there is the more recent “*Emissions Gap Report*” that the United Nations Environment Programme (UNEP) published in 2015. This report highlights that limiting the global temperature increase to 1.5°C would most likely require global GHG emissions to be neutral by 2050³⁴¹. This is 20 years earlier than a scenario where the increase would be restricted to 2°C. It is thus plausible that the Parties will face major challenges at the facilitation dialogue of the Parties in 2018, to take stock of the collective efforts to reach the long-term target. With the planned 2018 publication of the IPCC special report on reaching 1.5°C as well, it is plausible that the facilitative dialogue will incorporate the results of this work. However, the IPCC may face various challenges in compiling this special report, which the below box examines.

IPCC Special Report on 1.5°C

Consequences of global warming of over 1.5°C

For several developing countries, it is essential to improve scientific knowledge of the consequences of a global temperature rise of 1.5°C. Their populations are already suffering the major impacts of the global warming that is already happening. These consequences are mainly climatic or hydrological phenomena that may be intense or slow, such as hurricanes, floods, or longer droughts. These phenomena are already becoming more frequent. The global temperature has risen by approximately 0.6 ° between 1986 and 2005 compared to the pre-industrial era². In the past, the IPCC has highlighted that there are already anthropogenic disturbances to the climate³.

These consequences already entail a high economic and social cost, mainly for developing countries. One analysis considers that in 2013 alone, natural disasters caused nearly 120 billion US dollars in damages, in addition to affecting the lives of nearly 100 million individuals⁴. The IPCC has thus set a major and important challenge—to better understand how the climate system could respond to a temperature rise that is more subtle than the 2°C increase compared to the pre-industrial baseline. The idea is to provide concrete scientific tools to States at the next facilitative dialogue on reaching the objective enshrined in the Paris Agreement, if the Parties would like to execute the most ambitious part—limiting the increase to 1.5°C. Some observers consider that this mandate of the Parties to the IPCC demonstrates the will to finally define what society considers as a dangerous interference to the climate system. These observers also add that the 1.5°C limit represents the least risk that is socially acceptable⁵.

Continued on page 110

341. UNEP, 2015. *Emissions Gap Report*

Related global GHG emissions pathways

In its most recent synthesis report, the IPCC highlights that there is currently little work analysing emissions trajectories that limit the temperature increase to 1.5°C⁶. However, the IPCC has identified three action areas that could limit the temperature increase to 1.5°C: (i) immediate action on mitigation; (ii) rapid implementation of all emissions mitigation technologies that are currently available; (iii) development that encourages low-carbon energy demand. As for UNEP, in its 2015 “*Emissions Gap Report*”, it highlighted that a recent study evaluated scenarios related to current and forecast pathways which would make the 1.5°C target possible⁷.

However, these scenarios imply a rapid increase in the pre-2020 ambition and an economy that is completely carbon neutral by 2050 as well⁸. These scenarios also forecast a 50% chance of limiting the temperature increase to 1.5°C by 2100, and highlight that the increase would most likely surpass this threshold in any case, and then fall back to 1.5°C, if sufficient efforts are made. UNEP notes that there is currently very little data available to evaluate these pathways, with an over 2/3rds chance of limiting the temperature increase to 1.5°C. To reach this, it seems that global GHG emissions would need to drop by 12% by 2030 compared to the 1990 threshold—knowing that these emissions actually increased by 36% between 1990 and 2014.

1. Decision IPCC/XLIII-7, para. 1. [online] http://www.ipcc.ch/meetings/session43/p43_decisions.pdf.

2. IPCC, 2014a

3. See IPCC, 2007; IPCC, 2012; IPCC, 2014b

4. CRED, 2014

5. Nature Climate Change, 2016a

6. IPCC, 2014a

7. UNEP, 2015

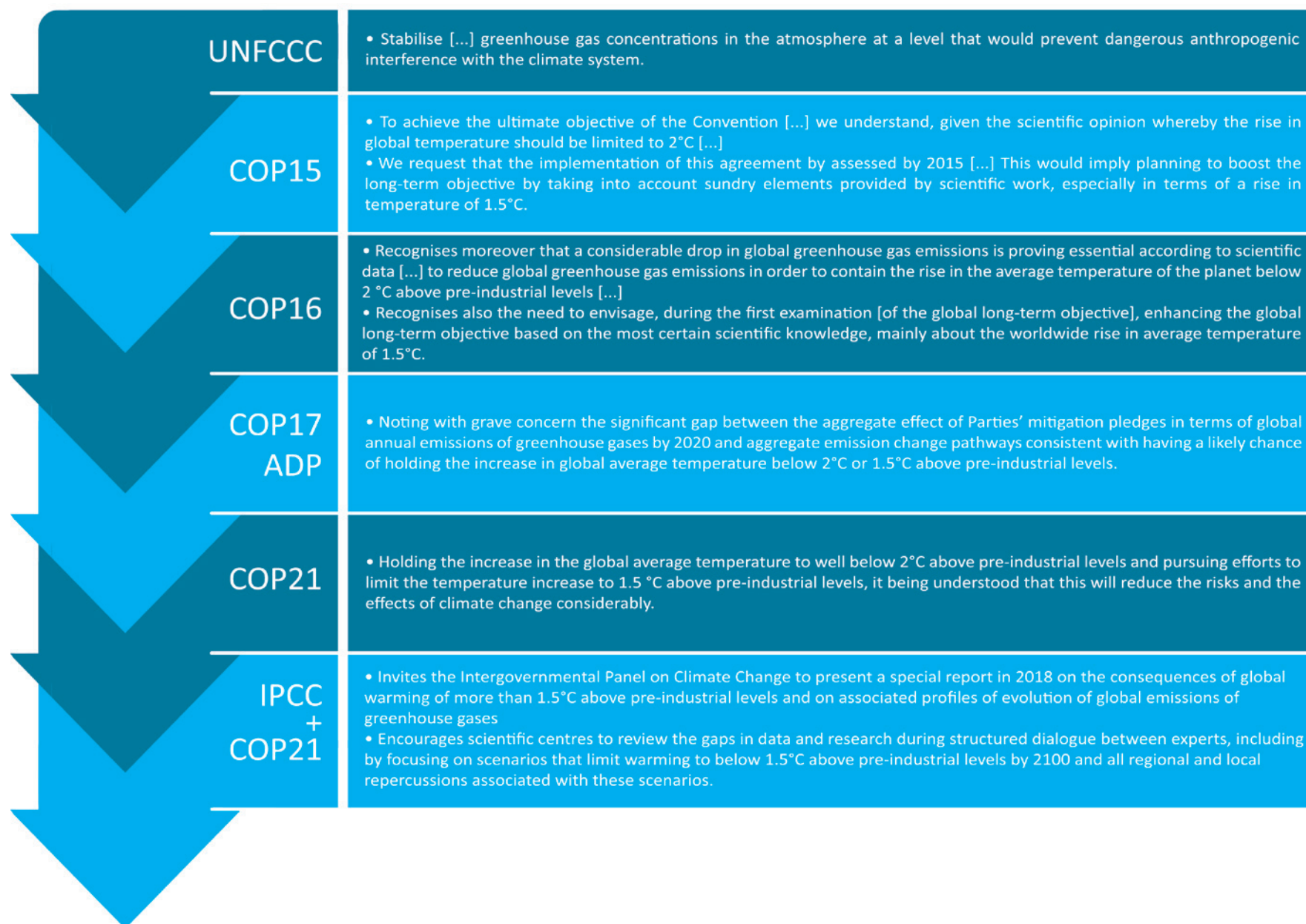
8. UNEP, 2015

Table 5: Examples of differentiated consequences of a temperature rise of 2 °C versus 1.5 °C³⁴²

Increase of 2 °C	Increase of 1.5 °C
Extreme weather events linked to the temperature are 5 times as frequent	Extreme weather events are 2.5 times as frequent
65% increase in extreme weather events related to precipitation	45% increase in extreme weather events related to precipitation
Drop in water resources in subtropical regions: 17% decrease in half of the territory covered by the Mediterranean Basin	Drop in water resources in subtropical regions: 9% decrease in half of the territory covered by the Mediterranean Basin
6% drop in global wheat production every time the temperature rises by 1°C. In tropical regions, increase in local rice and soy yields.	6% drop in global wheat production every time the temperature rises by 1°C. In tropical regions, increase in local rice and soy yields.
Nearly all coral reefs in temperate waters are threatened with long-term degradation.	Less coral reefs threatened with long-term degradation.

342. Schleussner *et coll.*, 2016

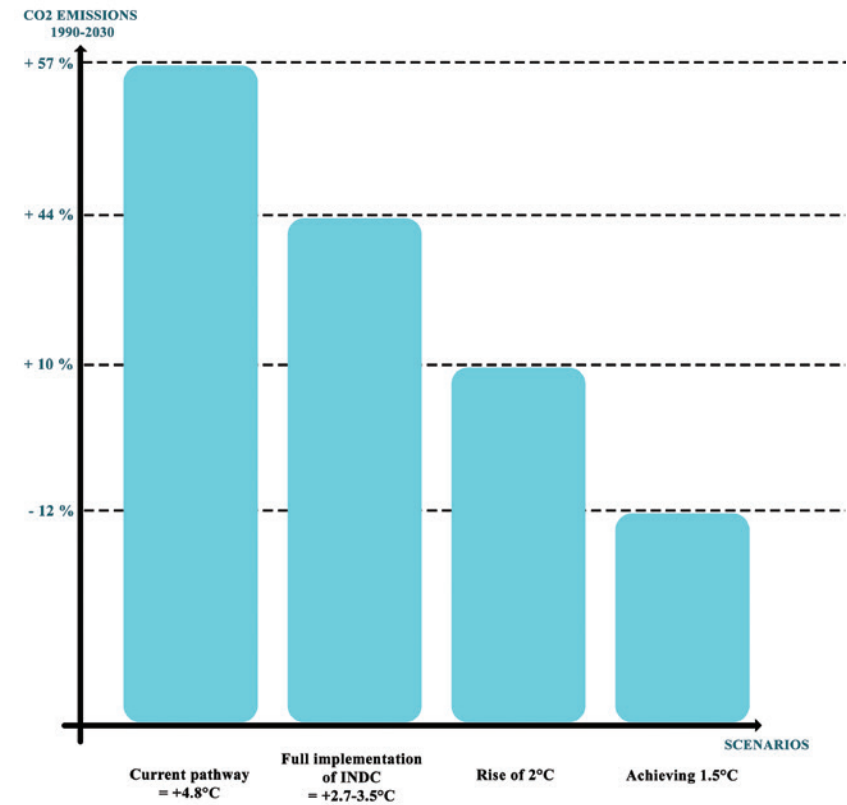
Diagram 13. Evolution of the Convention target and incorporating the 1.5°C³⁴³



343. © ENERGIES 2050, October 2016

Diagram 14. Projected rise in the global temperature by 2100, based on emissions pathways from 1990 to 2030³⁴⁴

Projected rise in the global temperature by 2100, based on emissions pathways from 1990 to 2030



Estimations based on the following emissions: 38.7 GtCO₂e (1990); 60.8 GtCO₂e (2030: +4.8°C); 56.2 GtCO₂e (2030: full implementation of INDC); 42.5 GtCO₂e (2030: +2°C); 33.9 GtCO₂e (2030: +1.5°C) drawn from the INDC summary updated by the Convention Secretariat on 2 May 2016

344. © ENERGIES 2050, October 2016 - Based on information from the Synthesis Report on the aggregate effect of INDCs from the UNFCCC Secretariat. See UNFCCC, 2016d

III.2 National considerations related to the implementation of the NDCs

III.2.1 From INDCs to NDCs ... an unprecedented process in the implementation of international climate change agreements

a. Intended Nationally Determined Contributions (INDC) in the heart of the Paris Agreement

The Kyoto Protocol (KP) is part of the international negotiation process concerning (the fight against) climate change by virtue of the UNFCCC, and was the first international climate agreement that was legally binding. It was adopted on 11 December 1997 and entered into force on 16 February 2005³⁴⁵. The industrialised countries committed to quantitative reduction targets for their GHG emissions for the 2008-2012 period, compared to a 1990 baseline³⁴⁶. For this first commitment period, developing countries (LDCs) did not have quantitative targets³⁴⁷, which was in line with the CBDR principle stated in Article 3, paragraph 1 of the UNFCCC³⁴⁸.

At the end of the 18th Conference of the Parties (COP) in 2012 in Doha, the Parties to the UNFCCC began the second commitment period under the KP³⁴⁹. As of now, this only covers approximately 15% of global GHG emissions for the 2013-2020 period³⁵⁰. Despite significant progress from the KP, this second stage is considered as a failure. This assessment is due to the fact that few States have renewed their commitments, and also because the targets are still differentiated. Thus only developed countries and economies in transition are subject to reduction commitments³⁵¹.

345. UNFCCC, *Kyoto Protocol* [online] http://unfccc.int/kyoto_protocol/items/2830.php

346. The Parties referred to in Annex I (developed countries) that have ratified the protocol were to reduce their emissions of six GHGs by 5% compared to a 1990 baseline during the 2008-2012 period, as per Article 3, paragraph 1 of the Kyoto Protocol

347. National Assembly of the French Republic, 2016, p. 3

348. United Nations, 1992a, *UNFCCC*, Article 3 para. 1, p. 5

349. UNFCCC, 2014a

350. National Assembly of the French Republic, 2016, p. 4

351. Moreover, a very small number of countries have fulfilled their commitments, and some countries have even questioned their commitments in the process as a whole. For example, Canada withdrew in 2011, and the United States never ratified the Protocol.

Over the course of the years, several Parties have questioned this differentiation, in light of the contributions of each Party to current global emissions. This differentiation is due to the historical responsibility of the industrialised countries in anthropogenic GHG emissions. In terms of accounting, the situation has changed since the Kyoto process was launched, and developing countries (as a whole) contribute more to global CO₂ emissions than developed countries³⁵². However, behind this aggregate figure are the different situations of each Party at the national level. Developing countries also need to develop, fulfil basic needs, and improve the quality of life of their citizens. It is thus essential for everyone to be involved in reducing GHG emissions, and to have a new agreement—in hopes that the global temperature rise can be kept to sustainable levels. At the same time, the adaptation and resilience of developing countries must be taken into consideration³⁵³.

With the failure of the second KP commitment period, and the need to bring together all of the contracting parties under a new global climate agreement, the Parties to the UNFCCC re-examined how they approach the fight against climate change (see Section I.A.2).

The implementation of a bottom-up approach in the national mitigation contributions aimed to ensure that all States Parties (developing and developed countries) are involved in a collective process. The addition of the commitments made by the States should make it possible to limit the average temperature rise of 2° C.

In practice, the process of drawing up the INDCs was to result in a participatory and inclusive process—by calling upon all the resources of each country, so that the commitments would be built together, and based on a feeling of ownership, to make it easier to transform commitments into concrete projects and implement them, with measurable impacts.

The contributions of the States were reported to the UNFCCC Secretariat all throughout 2015, prior to COP 21.

352. World Resources Institute, 2009; “*Developing Nations Surpass Industrialized Countries’ Emissions in 2005*”

353. World Resources Institute, 2014

Diagram 15. The INDCs, an innovative and inclusive process for implementing the first universal climate agreement³⁵⁴



354. © ENERGIES 2050, October 2016

b. From INDCs to NDCs, a process at the core of the Paris Agreement

The dynamic of drawing up INDCs was a key vector in COP 21 and in drawing up the Paris Agreement. It enabled all players to participate in a proactive dynamic that considers the reality of each player. From an official point of view, mitigation is the initial entry point for the INDCs. However, the developing countries, just like the economies in transition, emphasised what is realistic in terms of adaptation, in addition to their potential contributions to the global GHG reduction effort. Some of them have structured their INDC documents so that they begin by introducing adaptation stakes and the objectives of low-carbon development, with mitigation co-benefits. In their INDCs, developing countries were also able to bring out their needs in terms of financing (via the Green Climate Fund, for example), and in terms of North-South and South-South capacity and technology transfer, as part of the so-called “conditional” targets, which go beyond their “unconditional targets”³⁵⁵. This innovative approach was decisive in obtaining the Paris Agreement, the first universal climate agreement, which applies to all Parties.

As for the execution of the commitments included in the national contributions, the agreement adopted in Paris asks that the provisional INDC action plans (“intended contributions”) be transformed into concrete action. The national contributions must thus be replaced by Nationally Determined Contributions (NDCs) (see Section I.B).

The capacity of each country is considered and re-asserted in the Paris Agreement, reflecting equity, common but differentiated responsibilities, and different national contexts³⁵⁶. The industrialised countries must thus take the lead “*by undertaking economy-wide absolute emission reduction targets*”³⁵⁷. For developing countries, the climate ambition must be integrated into development goals, particularly via adaptation measures with mitigation co-benefits³⁵⁸. This being said, developing countries are encouraged to “*enhanc[e] their mitigation efforts*”³⁵⁹ for low carbon development. To enable them to take the most ambitious measures, “*in accordance with Articles 9, 10 and 11*” of the Paris Agreement, they will receive financial and technical support.³⁶⁰

III.2.2 Realistic implementation of NDCs in each country

a. States must cooperate to reach targets

INDCs are the result of an inclusive and participatory process that is unprecedented in the history of the UNFCCC. The INDCs reflect a shared understanding of as well as a shared ambition of the fight against climatic disruptions and the sustainable development of our societies. The connection between development and the climate

355. Not conditional on external support

356. Decision 1/CP.21, Annex, Paris Agreement, Art. 2

357. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 4

358. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 7

359. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 4

360. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 5

was also reasserted. In fact, the Paris Agreement and the Adoption Decision confirm that development takes priority over measures required to mitigate climate change, especially concerning two specific points: (i) universal access to energy, particularly in Africa via renewable energy deployment³⁶¹; (ii) food security, which is recognised as a “*fundamental priority*” in the preamble of the agreement³⁶².

As such, the national ambitions related to the implementation of the NDCs reflect the objectives of the States based on their actual situations, as well as the goal of showing more solidarity in the world, making the world resilient and sustainable. Having said that, the participation of all States in the Paris Agreements must involve their cooperation to reach the objectives, which is just as important. Concretely, this involves in capacity transfers (financially and technologically speaking) for developing countries.

Overall, the INDCs of developed countries include mitigation, whereas those of developing countries are more targeted towards adaptation, loss and damage, capacity building and sustainable development—in addition to mitigation. Support for funding and technology transfer is mainly in the conditional targets of developing countries. Overall, in their INDCs, the themes that developing countries have highlighted are adaptation (according to the latest UNFCCC figures, 137 Parties included adaptation targets³⁶³), financing, and capacity building. However, industrialised countries have not highlighted this. This is despite the fact that implementation will require close collaboration amongst States: Whether the targets are conditional or unconditional, developing country targets may not be upheld without appropriate technical and financial support. The process of making the Green Climate Fund operational shall be a key part of the implementation in this framework.

In terms of financing, since Copenhagen in 2009, the developed countries have committed to mobilising 100 billion US dollars for climate projects from 2020 onwards³⁶⁴. This amount is henceforth a lower threshold, and by 2025, a new target will need to be set, “*taking into account the needs and priorities of developing countries*”, “*in accordance with Article 9, paragraph 3, of the Agreement*”³⁶⁵.

Article 9 of the Paris Agreement thus states that “*developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention*.”³⁶⁶. It also states that the latter must report quantitative and qualitative information on funding allocated to developing countries every two years³⁶⁷. Article 9 also specifies that “*such mobilization of climate finance should represent a progression*

361. Decision 1/CP.21, Preamble of Decision 1/CP.21

362. Decision 1/CP.21, Annex, Paris Agreement, Preamble of the Paris Agreement

363. UNFCCC, 2016d

364. European Parliament, 2014, p. 2

365. Decision 1/CP.21, para. 54

366. Decision 1/CP.21, Annex, Paris Agreement, Art. 9, para. 1

367. Decision 1/CP.21, Annex, Paris Agreement, Art. 9, para. 5

*beyond previous efforts*³⁶⁸. Going beyond just the developed countries, “*other Parties are encouraged to provide or continue to provide such support voluntarily*”³⁶⁹.

In practice, beyond the ins and outs of the registered commitments, the ambition to mobilise 100 billion dollars annually is only mentioned in the introduction of the official documents, and is not an integral part of the text of the Agreement. This is because the industrialised countries did not want this target to become binding. This also allows them to be flexible in adjusting their contributions based on their national budgets. This was also one of the red lines of the negotiations for developed countries. Although this is not binding and there are no official instruments, financing perspectives are firming up.

On the other hand, for the moment, little progress has been made toward mobilising 100 billion dollars annually by 2020, despite the implementation of the promising Green Climate Fund. The targets and their tools are yet to be defined. The contribution of the Marrakesh conference to make these targets a reality, and their effective implementation, constitute significant progress in the fight against climate change, necessarily involving the perspective of increasingly stronger cooperation with the States.

b. The goal of monitoring the implementation of objectives: increasing the ambition level of the NDCs and the MRV approach

As of 5 October 2016, 163 INDCs were submitted to the UNFCCC³⁷⁰, covering 189 Parties (the European Union presented a single INDC on behalf of all its Members). These contributions represent 96% of the Parties to the UNFCCC and a total of 95.7% of global GHG emissions³⁷¹.

However, even if the current commitments are fully met, they will not be able to keep warming “*well below 2°C*”, the target set in the Paris agreement³⁷². Paragraph 19 of Decision 1/CP.21 asked the Secretariat to prepare an assessment report on the contribution of INDCs to combating climate change. This report was released in 2016 and takes into account all the INDCs submitted as of 4 April 2016. According to this document, entitled “*Updated synthesis report on the aggregate effect of intended nationally determined contributions*”³⁷³, an expected surplus of global GHG emissions, averaging 8.7 GtCO₂e and 15.2 GtCO₂ in 2025 and 2030 respectively, compared to a scenario that is compatible with a 2°C pathway. Increasing the ambition related to converting INDCs into NDCs is thus an important corollary to reaching the targets. If this does not happen naturally, the follow-up process established by the Paris Agreement shall be used to this end.

368. Decision 1/CP.21, Annex, Paris Agreement, Art. 9, para. 3

369. Decision 1/CP.21, Annex, Paris Agreement, Art. 9, para. 2

370. UNFCCC, INDCs as communicated by Parties [online]

<http://www4.unfccc.int/Submissions/INDC/Submission%20Pages/submissions.aspx>

371. UNFCCC, Newsroom, 2016a

372. The Paris Agreement recorded the target of keeping warming “*well below*” 2°C.

373. UNFCCC, 2016d

In this framework, to reach the Paris Agreement targets, as per Decision 1/CP.21, each Party must report and renew its NDCs every 5 years³⁷⁴. The Parties may modify their NDCs at any given time, as long as the level of ambition is increased³⁷⁵. In addition to all this reflection, the implementation of the NDCs must absolutely be clear and transparent.³⁷⁶ This is at the core of the current process. As such, Measuring, Reporting and Verification (MRV) are key and should be fully integrated in the implementation of NDCs, to monitor them—and in increasing the level of ambition in achieving the targets. It is true that the level of ambition is currently not enough. However the process of converting INDCs into concrete action plans is still crucial, and must be complemented by assessment and monitoring indicators as per the MRV approach.

The INDCs are converted into NDCs when the Parties submit their instruments of ratification of the Paris Agreement. The contributions then become concrete action plans that are legally binding as soon as the Agreement enters into force.

In line with the submission of the instruments of ratification, the number of NDCs increases at the same time³⁷⁷. These NDCs are recorded in an interim public registry under the UNFCCC Secretariat (as per Article 4, paragraph 12 of the Paris Agreement)³⁷⁸. The modalities and procedures for the operation and use of a public NDC registry was one of the key questions of the Bonn Conference on climate change, which was held from 16 to 26 May 2016³⁷⁹.

The conversion of INDCs into NDCs is henceforth legally binding (which is encouraging progress). However, once the Paris Agreement enters into force, this must be put into perspective, as this process, to put it crudely, copy-pastes the INDCs into NDCs. This is the first failure in increasing the level of ambition—which is necessary.

374. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 9

375. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 11

376. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 8

377. As per paragraph 22 of Decision 1/CP.21, which “*invites Parties to communicate their first nationally determined contribution no later than when the Party submits its respective instrument of ratification, accession, or approval of the Paris Agreement. If a Party has communicated an intended nationally determined contribution prior to joining the Agreement, that Party shall be considered to have satisfied this provision unless that Party decides otherwise*”

378. UNFCCC, *NDCs Registry* (interim) [online] <http://www4.unfccc.int/ndcregistry/Pages/All.aspx>

379. IISD, 2016a, p. 9.

This conference included the 44th sessions of the Subsidiary Body on Implementation, which is responsible in particular for determining the modalities and procedures for the public NDC registry.

The SBI plenary session examined this point (FCCC/SBI/2016/INF.6) at its plenary session on Monday 16 May, under the heading “CDN registry referred to in Article 4.12 of the Paris Agreement” on the provisional agenda. It was also examined by the plenary session on Friday 20 May, and SBI decided to continue reviewing this question at SBI 45.

In the process of implementing the Paris Agreement, the ratification of China and the United States, the two main global emitters, on 3 September 2016³⁸⁰ was an important step. The high-level event on the ratification of the Paris Agreement that the United Nations Secretary-General held on 21 September 2016, on the sidelines of the 71st session of the General Assembly was also a strong signal sent to all of the contracting Parties.

Based on the statements and national indications provided at the high-level meeting on the opening ceremony for the signature of the Paris Agreement, held in New York on 22 April 2016, it was very likely that many countries (at least 58 States) will have ratified the Paris Agreement by the end of 2016. Thus as early as this event, rapid and early entry into force was clearly possible.

It was fundamental for the EU to ratify the Agreement, to ensure that the two thresholds in Article 21 of the Paris Agreement would be reached. The European Commission submitted its proposal for the ratification of the Paris Agreement to the European Parliament.³⁸¹ The European Commission pleaded to have the Paris Agreement implemented as soon as possible, which must lead to the accession of individual Member States, which are asked to take the measures required to submit their instruments of ratification to the EU at the same time.

As of 4 October, the European Parliament approved the ratification of the Paris Agreement by the EU, following its adoption by the council of European ministers on 30 September. As of this date, seven Member States (Hungary³⁸², France³⁸³, Austria³⁸⁴, Slovakia³⁸⁵ and Germany³⁸⁶, Malta³⁸⁷ and Portugal³⁸⁸) had already completed all the national formalities for ratification. These countries, as well as the European Union, submitted their instruments to the depositary, the United Nations Secretary-General, on 5 October, with 3 other countries (Bolivia, Canada and Nepal). On the same date, the two thresholds (55-55%) required for the entry into force of the Paris Agreement were met, with the ratification of 72 Parties, representing 56.75% of global emissions.

Beyond this rapid ratification, the challenges of ambition, implementation and monitoring of targets are still core issues and should not be underestimated.

380. United Nations Treaties Depositary, *Status of the Paris Agreement* [online]
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&cmdsg_no=XXVII-7-d&chapter=27&clang=_en

381. European Commission, 2016

382. Climatechangenews, 2016a

383. Climatechangenews, 2016b

384. http://news.xinhuanet.com/english/2016-07/09/c_135499491.htm

385. <https://www.euractiv.com/section/climate-environment/news/slovakia-becomes-fourth-eu-country-to-ratify-the-paris-climate-agreement/>

386. <http://phys.org/news/2016-09-german-lawmakers-ratify-paris-climate.html>

387. <http://www.developpement-durable.gouv.fr/L-Union-europeenne-ratifie-l>

388. <http://www.lorientlejour.com/article/1010246/portugal-le-parlement-ratifie-laccord-de-paris-sur-le-climat.html>

Monitoring and the challenge of implementing targets linked to NDCs

A set of interconnected articles in the Paris Agreement implements a binding legal architecture to reach the level of ambition in the mitigation targets linked to the NDC. This includes the targets limiting the long-term global temperature³⁸⁹ and the matching mitigation targets³⁹⁰, and the requirement for all Parties to progressively increase their mitigation targets to collectively reach the level of ambition of the Paris Agreement. This dynamic should be strengthened by a renewal of the NDCs in five-year cycles that are increasingly ambitious, and informed by scientific assessments.³⁹¹

The Paris Agreement thus creates two cycles:

The first cycle commits the Parties to present their NDCs when they accede³⁹² to the Paris Agreement, if they have not already done this via their INDCs, or if they would like to modify them³⁹³. Each future contribution should constitute progress compared to the previous contribution, and also reflect common but differentiated responsibilities and the respective capacities of each country, in light of the various national contexts. Parties whose INDCs have a 10-year schedule are asked to report or update these contributions³⁹⁴.

The second cycle consists of a first global stocktake of collective efforts that will be conducted in 2023³⁹⁵. This will then take place every five years, with a facilitative dialogue in 2018³⁹⁶. All the Parties must present a report using a shared transparency framework, and support shall be provided to developing countries to enable them to fulfil their commitments in terms of drawing up reports³⁹⁷.

To reach the targets, with a realistic view of the future, the Intergovernmental Panel on Climate Change is asked to “*provide a special report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways*”³⁹⁸.

389. Decision 1/CP.21, Annex, Paris Agreement, Art. 2, para. 1

390. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 1

391. Nature Climate Change, 2016b, p. 830

392. Ratification or equivalent process

393. , Decision 1/CP.21, para. 22

394. IISD, 2016a, p. 3.

395. Decision 1/CP.21, Annex, Paris Agreement, Art. 14, para. 2

396. Decision 1/CP.21, para. 20

397. IISD, 2016a, p. 3.

398. Decision 1/CP.21, para. 21

III.3 Ambition and sectoral approaches

III.3.1 Ambition

During the UNFCCC negotiations, one of the most important challenges to reaching the Convention objectives was ambition—especially concerning GHG emissions reduction, the financing required for developing countries to truly participate, cooperation in environmentally sound technology development and transfer, and institutional capacity building for developing countries, and particularly for LDCs and SIDS.

To clearly grasp the ambition related to the sectoral approaches in the Paris Agreement and the decision that accompanies it, a distinction must be made between the stipulations and costly measures in the Paris Agreement and Decision 1/CP.21 for the post-2020 period and for those relative to the pre-2020 period, which are also set in Decision 1/CP.21.

First of all, it is worth recalling that only an ambition compatible with the studies that will be led by the IPCC as well as by several other institutions, will make it possible to reach the target of limiting global warming to 2°C, in terms of GHG emissions mitigation, financing adaptation and mitigation measures, and deploying environmentally sound technologies.

The issue of ambition has also been at the core of negotiations since the adoption of the Convention, in accordance with the principle of common but differentiated responsibilities.

In fact, the right from the adoption of the Convention, it set up arrangements and measures to make the commitments of all Parties effective, particularly the commitments of developed countries and other Parties included in Annex I. However, the various COPs which followed the COP in Berlin in 1995 have observed that progress has been relatively modest in terms of reducing GHG emissions, deploying environmentally sound technology, and financial support, for mitigation as well as adaptation.

Likewise, although the Kyoto Protocol (adopted in 1997, followed by entry into force in 2005) set a relatively low emissions reduction target just for the Annex I countries (-5% compared to a 1990 emissions baseline) in the first commitment period from 2008 to 2012, it was able to set up flexibility mechanisms, and the CDM in particular. The CDM enabled the participation of many country entities from both Annex I and non-Annex I, which significantly contributed to reaching the target set for this period.

The international community observed that binding Kyoto Protocol targets alone would not be enough to reach the Convention target due to the weak target (related reduction target), and due to the participation. As such, the international community set up several other mechanisms to lead the Parties to adopt low-carbon emission strategies. At COP 15 in Copenhagen, this resulted in the establishment of an arrangement anticipating voluntary commitments from developed countries that

are not Parties to the Kyoto Protocol, and then the establishment of arrangements for Nationally Appropriate Mitigation Actions (NAMAs) for developing countries. This concept was launched in Bali (COP 13), and its framework was clarified at subsequent COPs in Copenhagen (COP 15 in 2009), Cancun (COP 16 in 2010), and Durban (COP 17 in 2011).

Likewise, the procedures for reporting GHG inventories more frequently were set up (biennial reports for developed countries and biennial update reports for developing countries)

Based on the IPCC work, which showed that the target of the first commitment period was weak and that the level of ambition had to be raised, the KP Annex I Parties were asked to make GHG reduction commitments of between 25 and 40 % compared to a 1990 baseline by 2020. The results of COP 18 did not make it possible to endorse this target, and the expected reduction of the countries that accepted to participate in this 2ndKP commitment period will have difficulty reaching 18%.

Thus, although the measures provided for in the Paris Agreement and Decision 1/CP.21 did not guarantee a GHG emissions reduction level compatible with IPCC demands, they will be able to monitor and update targets and measures to reduce the gap. Thus the Paris Agreement contains key elements that retain the possibility of staying under 2°C, as well as a sustainable mechanism for progressively strengthening the collective ambition (see Section 1.B). The Paris Agreement was hailed as an ambitious agreement.

Beyond the legal measures, the impact on reputation and the possibility of isolating a country from the international community is also a powerful way to persuade countries to pursue implementation³⁹⁹.

As for the ambition in the pre-2020 period, Decision 1/CP.21 encourages the Parties to promote the voluntary cancelling of units delivered under the Kyoto Protocol, including certified emission reductions which are still valid for the second commitment period, without double counting, by Parties and other sectors, without double counting. At the same time, the Decision recalls the need to ratify the Doha amendment (2nd commitment period of the Kyoto Protocol)⁴⁰⁰, to comply with the Cancun commitments, to submit the first biennial update reports as soon as possible, to participate in the current Measuring, Reporting and Verification (MRV) processes to take stock of the progress in implementing mitigation commitments.

The same Decision provides for arrangements and measures for the post-2020 period (see section I.A.1).

399. Descôtes, A.M., 2015

400. Decision 1/CMP.8

III.3.2 Sectoral approaches

Sectoral approaches were not specifically negotiated in the Paris Agreement. However, the arrangements that were set leave ample room for their implementation, especially to raise the ambition, for both the pre-2020 and post-2020 period.

During the negotiations that were held since the adoption of the UNFCCC, it became clear early on that sectoral approaches would be an effective path to fight against climate change, by setting binding targets by sector, at both the national and international level. These targets should enable the massive deployment of ecologically sound technology. In fact, not all sectors contribute to GHG emissions in the same way, and planning for each specific industrial sector would make it possible to set precise GHG emissions reduction targets and sectoral efficiency targets. The sectoral approach would thus make it possible to involve sectors in a way that is proportional to their environmental impact, and to intensify action toward the sectors identified as the highest emitters.

In the discussions, developed and developing countries clashed with each other due to the obstacles to international trade that sectoral targets at the international level would lead to. The clash was also due to the fact that adopting sectoral norms for GHG emissions would create commitments that developing countries would be subject to.

The GHG emissions inventories of the Parties are drawn up based on the IPCC directives, which are drawn from various sectors of the economy [Energy, including transport; Industrial Processes and Product Use (IPPU); Agriculture, Forestry, and Other Land Use (AFOLU) and Waste]. This facilitates the implementation of national mitigation measures at the sectoral level.

Differences also emerged on proposals concerning transnational approaches which would neglect the emissions reduction commitments of developed countries, which concern their entire economy.

Right from the start, in Article 4.1 c), the Convention invites all Parties to take into account their “*common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances. Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors*”.

Article 1.b of the Bali Action Plan 1.b “*Decides to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at its fifteenth session, by addressing, inter alia: Enhanced national/international action on mitigation of climate change, including, inter alia, consideration of: [...] Cooperative sectoral approaches and sector-specific actions, in order to enhance implementation of Article 4, paragraph 1(c), of the Convention*”. Likewise, Nationally Appropriate Mitigation Actions (NAMAs) leave ample room for using sectoral approaches at the national level.

Several meetings and forums have been organised at both the regional and international level, within the UNFCCC framework and its Kyoto Protocol, to explore the best paths based on sectoral approaches, especially concerning transnational sectoral approaches led by industry, which aim to link a sector with a broad international or sectoral base. However, these meetings and forums have resulted in consensus. Some of them have limited the scope of these approaches to making the cooperation in technology development and transfer more dynamic, similar to the implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer. However, the UNFCCC and its instruments are much more complex, in reality.

The deliberations continued until the Accra meeting in 2008, where the Parties agreed that sectoral approaches should not lead to binding commitments for developing countries, and that it is up to each country to decide whether it would like to implement sectoral policies.

Only some sectoral commitments of developed countries or developed country groups, especially in the fields of energy and clean technology transfer and improvements to the Clean Development Mechanism (CDM) of the Kyoto Protocol are behind the results. The improvement of CDM procedures made it possible to go from methodologies for specific projects to standardised baselines and activity programmes covering certain sub-sectors.

Likewise, several policies and Nationally Appropriate Mitigation Actions (NAMAs) led by developing countries embrace the concepts of sectoral or sub-sectoral approaches at the national and/or regional level.

In the framework of the Paris Agreement and Decision 1/CP.21 which accompanies it, we can retain that:

- The decisions that resulted in establishing NDCs leave ample room for implementing sectoral initiatives at the national, regional, and international level. In fact, the stipulations of the Paris Agreement and the Decision that accompanies it, as well as the analysis of the first INDCs submitted by the Parties prior to the COP 21 show that:
 - The commitments (INDCs) of some developed countries cover their entire economy (this is mandatory). These commitments identified specific targets in certain sectors such as renewable energy, energy efficiency, and so on.
 - Several developing countries presented contributions based on sectors, particularly for the implementation of NAMAs and Technology Action Plans that result from the specification of their technology needs, which incorporate the efforts of non-state actors.
 - Developed and developing countries have left ample room for sectoral cooperation to contribute.
- Decision 1/CP.21 recognises the important role of non-state actors;

- The sectoral initiatives presented in Paris in the Solutions Agenda had earned some legitimacy at the end of COP 21;
- The Energy, Renewable Energy, Energy Efficiency, and Agriculture and Forestry sub-sectors are huge mines of potential regional and international cooperation. They already have made significant progress.
- Market-based and non-market-based cooperative approaches (Article 6) leave ample room for developing transnational sectoral approaches;
- Developing new market mechanisms may offer the opportunity to develop such approaches, depending on the rules that will be set;
- Large sectors such as International Civil Aviation and the International Maritime Organisation have already developed modalities and procedures to manage emissions, and to launch market mechanisms that they would like to base on the rules defined by the UNFCCC.

At the end of COP21, it is hoped that the principle of an ambitious NDC, linked to developed countries covering their entire economy—which should be the way forward for developing countries—will make it possible to implement much more sophisticated sectoral approaches at the national, regional, and international levels.

Encouraging the participation of non-state actors, current initiatives and initiatives that will arise from sharing experiences in technical expert meetings, new rules that will be drawn up in voluntary cooperation mechanisms for international transfers of mitigation results; as well as the increasingly important role of the technology mechanism, will enable sectoral approaches in the highest emitting sectors, such as Energy, Cement Manufacturing, Aviation, Transport, Agriculture, etc.—in addition to the commitments covering all the entire economies of the Parties—to play a decisive role in achieving the objectives of the convention.

III.4 Issues regarding climate finance

The challenges of climate finance arising from the UNFCCC and its legal instruments, the Kyoto Protocol and the Paris Agreement, have become both increasingly important and highly sensitive. This is even more evident when placed within the context of the Convention principles, related to common but differentiated responsibility as well as in terms of the respective capabilities of countries, the balance and the historic nature of overall climate change.

In Paris, in December 2015, the international community ratified⁴⁰¹, a pledge of \$100bn made by the developed countries to the developing countries in Copenhagen

401. Decision 1/CP.21, para. 53

in 2009, as the minimum climate finance threshold to be achieved by 2020⁴⁰². This will need to be increased after 2025 as comprehensive commitments are gradually implemented in terms of mitigation, transparency and adaptation measures or the enhancement of adaptive capabilities for the benefit of the developing countries, and especially for the most vulnerable countries.

These climate finances from various sources and in different forms, are explained in the analysis of Article 9 of the Paris Agreement (see section I.B.9) and the paragraphs relating to the Decision accompanying it⁴⁰³.

These publicly-, privately- and innovatively-sourced climate funds (bi-lateral and multi-lateral), expected to reach \$100bn per annum, should be, to a large extent, funnelled or distributed under the framework of the Convention's finance mechanism and of the various entities comprising it, mainly the Green Climate Fund (GCF), and to a lesser extent, the Global Environment Facility and/or other UNFCCC funds as well as those of the Kyoto Protocol, according to pre-existing processes and procedures, or according to procedures to be developed in Marrakesh and at a later stage.

Despite some disappointment being expressed by the Group of 77 and China, regarding the question of climate finance during COP 21, and as previously with the majority of past Conferences of the Parties of the UNFCCC, the Paris Agreement nevertheless allowed:

- for the consolidation of the links between mobilising and providing financial resources in line with the priority needs of the developing countries⁴⁰⁴.
- the delivery of parity regarding financial provisions and increasing them for adaptation and mitigation, by ensuring the priority of public funding in the form of adaptation grants.
- that developed countries be required every two years to communicate qualitative and quantitative information on the mobilisation and provision of funds, as well as projections and increases of public financial resources for the benefit of developing countries for mitigation, adaptation, the transfer of technologies and capacity-building⁴⁰⁵.

402. In Copenhagen, in 2009, during COP15, \$100bn was pledged per annum between 2013 and 2020 to fill the gap identified by several international institutions including the World Bank, the United Nations Environment Programme, etc. In the new texts, the \$100bn annual pledge is still effective, but will be difficult to achieve given the level of financial contributions to the current funds (the Green Climate Fund, the LDC Fund, the Adaptation Fund, the Special Fund for Climate Change and the Global Environment Facility). Added together, they do not amount to \$100bn in a replenishment cycle (four to five years on average). Because of this, the \$100bn target per annum seems even more unachievable, even if all the contributors involved are working on it.

403. Decision 1/CP. 21, paras. 52-64

404. Decision 1/CP.21, Paris Agreement, Art. 9 para. 4-5

405. Decision 1/CP.21, Appendix, Paris Agreement, Art. 9, para. 5; and Decision 1/CP.21, para. 56

Since the 16th UNFCCC Conference of Parties in Cancun (Mexico, 2010) the issue of climate finance has gone through various twists and turns. A positively controversial change, more influenced by purely economic and financial imperatives of the main donors/contributors, and by the change in the economic conditions of some developing countries (with similar GDPs, sometimes higher than those of the developed countries), than by the necessity and the urgency of effectively combating the effects, the impacts and consequences of climate change from which the most vulnerable countries and populations suffer. Proof of this is that little substantial climate financing, matching the priorities and needs identified, reaches the most vulnerable countries, particularly financing for projects and actions identified in the national adaptation plans (NAPs) and/or in the National Action Adaptation Plans (NAAPs) of the Least Developed Countries or financing adaptation, which is nevertheless a question of survival, for Small Developing Insular States.

Therefore, Paris COP 21 left a good deal of unsolved financial issues or issues needing to be pursued to be duly considered. These should be the subject of intense negotiations in Marrakesh (COP 22) and indeed beyond.

Finally, it is worthwhile remembering that negotiations on climate financing are happening and will happen under the Standing Committee for Finance, the Green Climate Fund Board, the Global Environment Facility Board and the technical bodies set up under the Convention, the Paris Agreement, and the Kyoto Protocol.

III.4.1 Standing Committee for Finance (SCF):

The main technical regulatory body on finance issues to combat climate change, the Standing Committee for Finance (SCF), was established to assist the development, the organisation, the coherence and the coordination of the operational entities of the UNFCCC finance mechanism.

Standing Committee for Finance

Since its inception, the Convention's finance mechanism suffered from a lack of coordination and the absence of a regulatory body until the establishment of the Standing Committee for Finance. The decision to set it up was made at the 16th UNFCCC Conference of the Parties in Mexico, in 2010, under the Cancun Agreements⁴⁰⁶. In Durban, a year later, the COP agreed its structure, its function and its mandate, of which one of the most important elements is preparing reports and formulating recommendations to the COP regarding the regulation and the improvement of the Convention's finance mechanism. Some of the activities for which the COP is responsible are:

- organising an annual information and communication exchange forum on the finance issues of the process, bringing together the players involved;

Continued on page 129

406. UNFCCC, 2010. Decision 1/CP.16, para. 112, p.18

- submitting to the COP guideline proposals and recommendations aimed at the operational entities of the UNFCCC finance mechanism;
- preparing a bi-annual assessment of all the climate financing flows with the view to learning relevant lessons and improving the procedures and activities linked to adaptation and mitigation financing activities;
- finally, to support the Paris Agreement and its implementation⁴⁰⁷.

The SCF created and implemented an ambitious workplan for 2016-2017⁴⁰⁸. Amongst other guidelines received from⁴⁰⁹ the COP were:

- to continue to cooperate more closely with all the competent stakeholders and all the Convention bodies affected by climate financing;
- to continue, through implementing its workplan aimed at measuring, notifying and verifying the support provided outside the bi-annual assessment, to review financial flows as well as to cooperate with the Convention bodies, the international institutions and the relevant multi-lateral and bi-lateral bodies;
- to report at the twenty-second session of the Conference of the Parties on the progress of its workplan and to present its bi-annual assessment.

In September 2016, in Manila (Philippines), the SCF⁴¹⁰ organised its fourth forum on the topic “*Financial Instruments for the risks of loss and damage*”. *This forum was just as extensive as the previous ones which had tackled equally important topics*⁴¹¹.

This year’s edition has allowed for a review⁴¹² of the specific climate finance instruments which could be potentially used to solve the risks of loss and damage.

The participants discussed the potential opportunities, challenges, limitations and gaps in terms of climate finance availability, mobilisation, accessibility as well as the use of climate financing to tackle the consequences and the impacts resulting in loss and damage due to climate change. The debates also dealt with:

- transfer of risk schemes;
- social protection schemes;
- obligations towards disasters and resilience;
- financial contingencies.

407. Decision 1/CP.21

408. UNFCCC, 2015b. Appendix X, p.42

409. UNFCCC, 2015c. Decision 6/CP.21, p. 10-11

410. UNFCCC, 2016e

411. UNFCCC, *Forum of the Standing Committee on Finance* [online]
http://unfccc.int/cooperation_and_support/financial_mechanism/standing_committee/items/7552.php

412. UNFCCC, 2016h

The participants in the fourth forum also exchanged points of view on the roles and functions of the various players, as well as the ways and means to strengthen the links and the collaboration between public and private sector participants.

It is worthwhile highlighting⁴¹³ that amongst the elements to be retained from this COP forum, given they were taken into account, were the following:

- the need for an integrated approach to assume the risks related to loss and damage, taking into account financial issues such as those relating to policies, to the capabilities and the implications for the players involved, notably those in the private sector;
- the need to develop an intelligent concept and a combination of financial instruments to enable an approach which responds to the diversity of circumstances and national capabilities in order to mobilise necessary and useful supports to tackle the risk of loss and damage;
- the need to design a tool, an instrument or an appropriate solution to tackle the risks of loss and damage, taking into account the relevance, durability, approachability and accessibility of the financial instruments;
- the need to engage and share knowledge, experiences and know-how amongst those involved in relation to actions and activities connected to risks of loss and damage.

The outcomes of this forum are important for the negotiations on the guidelines that the COP will issue to the SCF and indeed to other operational entities of the Convention's finance mechanism, notably the GCF. They will make up an important part of the report that the Standing Committee for Finance will make at COP 22.

Finally, the SCF held its 14th meeting⁴¹⁴ in Bonn on 3-5 October 2016 with an extensive agenda tackling issues including:

- the second bi-annual assessment report on financial flows for the climate
- the current year COP forum report and the topic for the next 2017 edition.
- general guidelines and recommendations that the COP may provide to the various operational entities of the convention's financial mechanism.
- the examination of the transparency (MRV) of the financial supports.
- the potential revision of the SCF functions, particularly in relation to the Paris Agreement.

This meeting facilitated the refining of the draft proposals for the conclusions, decisions and appendices to the COP 22 negotiations on climate finance.

413. UNFCCC, 2016f

414. UNFCCC, 2016g

III.4.2 Green Climate Fund (GCF):

Within the structure of the Paris Agreement on climate change and everything around it, the Green Climate Fund is at the core of the action when this involves supporting the implementation of measures to combat the effects of climate change, particularly in developing countries. It is nevertheless important that other funds or facilities, such as the Global Environment Facility and the special funds established under the UNFCCC and its legal instruments (SCCF, LDCF and AF) continue to play their respective roles in supporting the reinforcement of climate change measures in developing countries.

In its report to the COP 22⁴¹⁵, the GCF confirms that over \$10bn has been secured since its launch. Up till August 2016, it had signed financial agreements with over forty contributors for over \$10bn. It has already spent over \$425 million dollars in operations to combat climate change (adaptation and mitigation) and in preparing countries, since it started operating on behalf of developing countries.

Green Climate Fund

The creation of the Green Climate Fund (GCF) initiated in Copenhagen in 2009, and agreed at the COP 16 in Cancun in 2010⁴¹⁶. Designated as the second entity responsible for the functioning of the UNFCCC finance mechanism, it was mandated in Paris to support the implementation of the Paris Agreement. The strategy of the GCF is firstly to channel, then to catalyse the funds made available by the developed countries, as well as from other countries in a position to do so, in order to implement climate solutions in developing countries. The Green Climate Fund should collect funds aimed at financing the pre-2020 measures and activities in the most vulnerable countries as well as collecting a portion of the \$100 billion dollars promised annually from 2020 onwards. These funds will be allocated equitably between mitigation and adaptation projects. From the funds allocated to adaptation, at least half will be set aside for African countries, small island developing states (SIDS) and least developed countries (LDC). Barely operational, the GCF already announced in November 2015 its funding of its first projects for a total of \$168 million dollars. And it continued its activities through additional funding of over \$256 million dollars for adaptation and mitigation projects, agreed at its thirteenth session (June 2016).

Source – Guide to 2015 negotiations, updated

415. UNFCCC, 2016h

416. UNFCCC, 2010. Decision 1/CP. 16, paras. 102-111, p. 18

The adoption of the Paris Agreement enabled the GCF to overcome important steps in facilitating procedures and in financing projects. Some points worth remembering:

- **Programming and support in preparing countries to avail of GFC financing as well as planning adaptation:** developing countries had access to (1) one million dollars per annum for their national preparation support programmes for GFC financing. Since July 2016, countries can apply to the Funds for financing of up to (3) million dollars to formulate their National Adaptation Plans and other adaptation processes. This is an additional measure to the revised programme supporting preparation and it contains three other options, which can be requested by the developing countries, within the framework of the preparation mechanism (readiness)⁴¹⁷.
- **Preparation facility for GFC projects:** The project preparation facility is made available to accredited entities and limited to \$1.5m dollars per project, on condition that the Designated National Authority/National Focal Point does not object and based on a concept note. The GFC Board adopted an updated list of preparation support measures eligible for financing through the simplification of the legal formalities between the GFC and the relevant country. For this purpose, the Secretary of the GFC also produced a guide on country ownership for the countries to help them in managing the GCF process.
- **GFC project finance procedures:** countries can access climate finance often very rapidly and in a very simplified manner, notably in terms of:
 - ***Simplified procedures***⁴¹⁸ ***for micro and small financing proposals*** which represent minimum risks⁴¹⁹. The simplification process essentially relates to the level of detail required for study documents and other documents needed to set up the projects.
 - ***Project Preparation Facility (PPF)*** a GFC finance window of \$1.5m was allocated for the benefit of developing countries to finance the preparation of their eligible projects (see box below) and particularly for micro and small-scale projects. Countries who wish to, can, with the assistance of one of the entities accredited⁴²⁰ by the GFC, prepare a project preparation application, which the entity will submit to the GFC.

417. GCF, 2016a

418. GFC, 2016b

419. GFC, 2016c

420. Any demand or request for financing from the GFC must go through a GFC-accredited entity. The list of contacts and accredited entities can be consulted on the GFC website (www.greenclimate.fund).

Activities eligible for financing by the GFC project preparation facility

- Pre-feasibility and feasibility project design and studies;
- Environmental, social and similar type projects;
- Risk assessments;
- Identification of the programme and the project level indicators;
- Pre-contractual services, including review of tender documents;
- Consultancy and/or other services for the financial structuring of the activity proposed; and,
- Other project preparatory activities as required and with adequate justifications.

- ***Project applications:*** The GFC Board approved in 2016 and up to August 2016⁴²¹, nine projects for a total of \$256.6m. The breakdown of approved projects are as follows:

- Asia: 3 projects for a total of \$86.6m
- Latin America: 2 projects for a total of \$70.7m
- Africa: 2 projects for a total of \$43.3m
- Island states: 1 project for a total of \$36m
- Eastern Europe: 1 project for a total of \$20m

Last year, just before COP 21 took place, the GFC approved eight adaptation and mitigation projects for an approximate \$168m.

- Asia: 1 project for a total of \$40m
- Latin America and the Caribbean: 2 projects for a total of \$28.2m
- Africa: 3 projects for a total of \$44.9m
- Island states: 2 projects for a total of \$54.6m

On 30 September 2016, the GFC published a list of ten projects for approval during the 14th meeting of the Board on the 12-14 October 2016: one project in Asia, two projects in South America and the Caribbean, five projects in Africa and two draft proposals by the private sector through two programmes: The UGEAP (Universal Green Energy Access Program) and the SEFF (Sustainable Energy Financing Facilities).

421. This guide was finalised (5 October 2016) before the potential public consultation on the outcomes from the 14th (October 2016) and 15th (December 2016) GFC Board meetings. The results and conclusions of the last two GFC Boards were therefore not taken into account.

- **The GFC and the Paris Agreement:** The COP and CMA will guide and direct the modus operandi of the GFC strategic plan and its Secretariat's work programme. The issue in the future will be to see how the GFC can support the application as well as the measures to implement the Paris Agreement and receive from the COP and CMA the directives and guidelines for its functioning, its organisation, its processes and procedures, etc. when required.
- **The relationship of the GFC with the UNFCCC thematic bodies:** it has been decided to organise an annual meeting between the GFC (Board and Secretariat) and the thematic bodies of the Convention on the fringes of the COP in order to coordinate and energise the relations, the interactions and the links with the different entities. This meeting will be sanctioned by a report to be attached to the GFC report at the COP/CMA for it to be considered during negotiations.
- **GFC coherence and complementary function with various entities**
 - The GFC Board has developed an operational work framework on its coherence and complementary function in relation to the COP.
 - On the fringes of its meetings, the GFC Board will hold an annual discussion to strengthen the complementary function of climate finance providers, in terms of projects and activities.

With regard to the early achievements of the GFC for the benefit of developing countries, it is in the interest of these countries to:

- develop and submit eligible projects and initiatives rapidly to the GFC.
- take advantage of the simplified procedures to manage the process better.
- and to keep in mind, within the framework of all climate funds, including the GFC, two essential elements: *the first* is having to go through certain accredited entities or implementation agencies and *the second* is that, in the majority of cases, climate funds operate on a first-come-first-served basis, except for allocation-based funds or per-country threshold systems.

The main financial issues reviewed during the 44th session of the subsidiary bodies in May 2016 related to:

The activities under the LDC fund: Despite the promises made in Paris at COP 21 and the efforts by the LDC experts (LEG), it is still just as necessary to pursue, in an appropriate manner, a vision that is more focussed on adaptation⁴²² and on access to resources in order to implement planned activities combating climate change, assisting and supporting the LDCs mainly by:

- achieving tangible results in the enhancing of adaptation capabilities;
- enhancing the resilience of the LDCs and reducing their vulnerability to climate change.

422. IISD, 2016a

- developing robust and good quality NAPs;
- providing technical guidelines and advice to countries on how to access GFC financing in terms of the formulation process and the implementation of the NAPs;
- implementing adaptation priorities identified, thanks to GFC financing and other sources.

Nevertheless, the LDC Funds continues to lack finance to deal efficiently with the attempts to implement the priority needs identified in the NAPs, NAPAs, of the LDCs.

For example⁴²³, on the 31 March 2016 the LDC fund had only \$9.8m available, whereas the financial needs, related to the draft proposals submitted by the LDCs to implement the priorities identified in their NAPAs, in addition to the formulation of the NAPs themselves, came close to \$226m needed by 34 projects on the one and the same date. This demonstrates a significant issue with the availability and the mobilisation of the financial resources required, faced with increasing vulnerability over time. If measures are not implemented as rapidly as possible, the problems and difficulties encountered on the ground by the populations involved, the ecosystems, the infrastructures, and the most affected facilities, will not be able to wait.

A draft conclusion⁴²⁴, accepted by the States Parties in Bonn, in May 2016, will be submitted to the COP 22 for adoption.

Adaptation Fund: An important player in financing adaptation in developing countries, for a number of years this fund has encountered serious financing availability problems, particularly due to the weak performance of the carbon market, which supplies the AF through a debit mechanism. The third AF review launched in Lima in 2014 aims to ensure:

- the efficacy, the durability and the adequacy of the Fund and its operations;
- an understanding of the progress achieved to date and the lessons learned about the Fund's function and its implementation;
- taking into account:
 - the provision of long-lasting, predictable and sufficient financial resources;
 - the mobilisation of financial resources to finance concrete adaptation projects and programmes managed by the countries and based on needs;
 - the points of view and priorities of the developing countries, admissible Parties; and,

423. IISD, 2016a

424. FCCC/SBI/2016/L.6

- lessons learned from the application of the access procedures to the Adaptation Fund, the project approval procedures, the outcomes and the impacts of the adaptation projects approved, the preparation programme for direct access to climate financing and the pilot programme for regional projects.
- the planning and the coherence of the project and the complementary nature of the Adaptation Fund with other adaptation financing institutes; and,
- the institutional arrangements of the Adaptation Fund.

The Marrakesh Conference should recommend a draft proposal to adopt the terms of reference to conduct this third review. In relation to issues surrounding institutional arrangements, Marrakesh should respond to these questions allowing the Adaptation Fund to serve the implementation of the Paris Agreement on the same level as the other operational entities of the Convention's finance mechanism.

Paragraph 59 of the decision to implement and operate the Paris Agreement takes into account that “*the Adaptation Fund can contribute to the application of the Agreement, subject to the relevant decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement*”. This issue was approved by the CMP 11 in Paris and needs to be discussed by the CMA at its future sessions, given that the Adaptation Fund is an entity derived from the Kyoto Protocol.

A draft proposal⁴²⁵ relating to this point, will continue to be reviewed and discussed during the Marrakesh COP with the purpose of adopting it.

Procedures for the compatibility of planned financial resources secured through public interventions pursuant to Article 9.7 of the Agreement: This issue, examined by SBSTA 44 and recorded in a draft proposal⁴²⁶, will continue to be discussed at COP 22. It means finding the most suitable options in terms of the compatibility of the financial resources. This can be achieved through past experiences and current best practices. The States Parties agreed a work programme to conclude the negotiations on this topic. A work programme was set up and the first activity, in the form of a workshop, will take place during the SBSTA 45 in Marrakesh.

To supplement these points, and if the reader is interested in further information regarding climate financing and the UNFCCC negotiation processes, please refer to the reports and conclusions of:

- the long-term financing workshop⁴²⁷;
- the workshop on the links between the technology mechanism and the financial mechanism⁴²⁸;
- the workshop on exploring funding and the use of the Clean Development Mechanism (CDM) by the international climate financing institutions⁴²⁹.

425. FCCC/SBI/2016/L.10

426. FCCC/SBSTA/2016/L.5

427. IIDD, 2016b

428. IISD, 2016b

429. IISD, 2016d

III.4.3 Climate financing in Marrakesh:

In Marrakesh, the UNFCCC States Parties will have to debate and negotiate several issues regarding climate finances, as had been the case over the last three or four years.

On the fringes of these negotiations, which will involve sessions with the subsidiary structures of the Conference and Meetings of the Parties in Marrakesh, three important events will take place, notably:

- A workshop on substantial finance issues and procedures (under SBSTA 45)
- A special event examining the 2016 bi-annual review on the MRV of the supports within the framework of the SCF work programme.
- A first annual meeting of the GCF with the thematic structures linked to the finance mechanism of the UNFCCC.

The events planned in Marrakesh, including the discussion on financing facilitation, the pre-2020 target and its implementation, should help in providing insights into the \$100bn pledge, and respond to the concerns of a number of developing countries. The latter are concerned that the pre-2020 action could be eclipsed by negotiations on the post-2020 period⁴³⁰, which will delay or prevent mobilising and providing the required climate finance.

The topics being negotiated in Marrakesh, in terms of climate financing, depending on the bodies under which they fall, can be summarised as follows:

COP 22⁴³¹:

- *Agenda point 10a) - Long-term climate finance:*

Developing countries will once again endeavour to maintain and to push forward the issue of long-term climate finance, by trying to obtain the development and the implementation of a work programme which will allow for visibility and predictability in the medium and long term on securing and on the availability of climate finance from developed countries. This would allow the developing countries to be able to plan their actions and activities better in terms of adaptation and mitigation measures supported by international financing.

With regards to developed countries, they are expressing the practical difficulties preventing them from going outside international and/or community budgetary planning regulations, general finance and budgeting allocations, and climate finance, in compliance with their specific obligations to the UNFCCC. Two years' projections would be the maximum feasible timeframe from their point of view.

To date, this issue has been dealt with through workshops on long-term financing.

430. IISD, 2016a

431. <http://unfccc.int/resource/docs/2016/cop22/eng/01.pdf>

The elements linked to the supports which should be delivered to finance the activities and actions to combat climate change during the pre-2020 period is furthermore being reviewed and negotiated under the long-term finance issue.

- *Agenda points 10 b): Report and review of the SCF functions*
- *Agenda points 10 c) d): Report and guidelines for the financial entities of the convention (GCF and GEF):*

Regarding the supports and guidelines to the GCF and GEF, the countries will review and negotiate the status of the implementation of the preceding guidelines given by the COP. Moreover, they need to work to improve the use of the available financial resources, by soliciting greater simplification of the procedures and accessibility to funds, greater transparency on the finance received and the finance provided, and links to significant actions (adaptation and mitigation).

But this time, for the Marrakesh COP 22 and its successors, the reviews and the guidelines should be made within the framework and spirit of the Paris Agreement on climate change and the need to be ready to support its implementation and operation for and by all countries. The door has even been opened to countries other than developed countries with the capability to contribute financially to do this on a voluntary basis.

- *Agenda point 10 e): 6th review of the UNFCCC finance mechanism*
- *Agenda point 10 f): Initiation of the process to identify the information required from the States Parties in compliance with Article 9, paragraph 5 of the Paris Agreement*

Other financial issues, linked to the function and to organisation of the UNFCCC Secretariat will be discussed and negotiated under point 17 of the COP 22 agenda.

CMP 12⁴³²:

- *Agenda point 7 a): Adaptation Fund Board report*
- *Agenda points 7 b): 3rd review of the Adaptation Fund*

APA 1-2⁴³³:

The APA 1-2 agenda does not include specific points related to finances, nevertheless climate finance will be reviewed, discussed and negotiated under the points relating to mitigation, adaptation and the transparency of the overall outcome under the APA agenda. These will consider principally:

432. <http://unfccc.int/resource/docs/2016/cmp12/eng/01.pdf>

433. <http://unfccc.int/resource/docs/2016/apa/eng/03.pdf>

- The process to identify information in compliance with Article 9.3 of the Paris Agreement on securing climate finance from a variety of sources;
- the transparency of the financial support; and,
- consideration of the implementation resources, including climate finance, for the global stocktake.

SBI 45⁴³⁴:

- Point 4 c) – Financial support and technical support for the communication of the States Parties not included in Annex I to the Convention;
- Point 13 – Terms of reference to review SCF functions; and;
- Point 17 – UNFCCC budgetary, financial and administrative issues

SBSTA 45⁴³⁵:

- Agenda point 13 -The procedures for the compatibility of the financial resources planned and secured through public interventions pursuant to Article 9.7 of the Agreement.

CMA 1⁴³⁶:

With the entry into force of the Paris Agreement on 4 November 2016, the first Conference of the Parties serving as a meeting of the Parties to the Paris Agreement (CMA 1) will take place in Marrakesh, in conjunction with the 22nd session of the Conference of the Parties (COP 22) and the 12th session of the Conference of the Parties serving as a meeting of the Parties to the Kyoto protocol (CMP 12). It will consider, in later sessions, depending on the status conferred on it and its agenda, various questions, including those potentially related to climate financing, related to Article 9 of the Paris Agreement or to the paragraphs related to it in the accompanying Decision. It could consider for example the questions entrusted by the Paris Agreement or the accompanying Decision to the COP or the GFC Board.

434. <http://unfccc.int/resource/docs/2016/sbi/eng/09.pdf>

435. <http://unfccc.int/resource/docs/2016/sbsta/eng/03.pdf>

436. Following the entry into force of the Paris Agreement, three (3) days before the opening of COP 22, the Executive Secretary of the UNFCCC published a notice on behalf of the Parties and the observer Governments, international organisations and organisations participating as accredited observers, convening CMA 1. The Presidency of the COP 21 jointly with the designated Presidency of the COP 22 (agreed with the office of the COP) will propose a draft agenda for the CMA's first session. This could be symbolic if it took place at the end of COP 22, but could be more substantial and more decisive if it took place at the beginning of the session. This will depend on the timeframe allocated (according to the processes and procedures of the UNFCCC) for the notification by the UNFCCC Secretariat of a provisional agenda for CMA 1. It may also take place and be suspended to allow the procedures under the APA to be pursued, before resuming in 2018 for example.

Finally, it is imperative to link climate finances with the entry into force of the Paris Agreement. The ratification by China and the USA of the Paris Agreement on the eve of the G20 held in September 2016 and by India a month later are very positive signs and indicators of its rapid and imminent entry into force. The other positive signal from the same G20 will be the inclusion in its agenda for the first time of the issue of green finance, including finance to combat the effects of climate change. The importance of this issue and the position of priority it has taken was dictated by the summary report on green finance⁴³⁷ developed and submitted by the G20 specialist study group. A summary analysis⁴³⁸ of this report reveals the reaffirmation by the G20 of the need to secure more climate financing, which must be channelled through the GFC and other financing channels. It also affirms the need to explore the possible involvement of the private sector, particularly banks and investment funds in combating climate change, notably through market mechanisms.

Conclusion:

In addition to their significant number, financial issues require a great deal of attention in terms of the quality and the content in dealing with them. Regular monitoring by the same negotiators is crucial to ensure success. This crucial question should allow for operational and concrete progress in mobilising financing, in its provision by the developed countries and the accessibility to climate finance by all the developing countries and particularly the LDCs and SIDS to tackle the immediate and medium-term consequences of climate change.

All these elements require a great deal of preparation by countries, groups of countries and alliances in the negotiations, as well as an efficient and continuous coordination.

Mobilising and ensuring sufficient availability, predictable and long-lasting climate finance would contribute extensively to the mitigation of the effects of climate change, particularly in the most vulnerable countries, and would certainly improve the resilience of populations and ecosystems.

III.5 Adaptation

Adaptation has always constituted the greatest factor in climate negotiations for developing countries. It will be even greater in the years to come following a new and promising context established by the Paris Agreement on Climate Change. The Paris Agreement offers an enhanced framework aimed at raising the significance of the issue for all countries, developed and developing, and to reinforce international cooperation so that it is substantially taken into account.

437. G20 Green Finance Study Group, 2016

438. Tetsuya Ishii, Kentaro Tamura, Naoki Mori, Eric Zusman and Mark Elder, 2016

Reminder of main expectations of COP 21

The agreement which was expected in Paris in 2015 was of major importance in the progress of the climate negotiations. Fruit of a process started in 2011 with the launch of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, with the principal mandate of preparing a legal instrument for 2015, it holds out hope for considerable boosting of measures taken to face up to climate change. It involved obtaining a commitment from country Parties to the Convention to reduce their greenhouse gas (GHG) emissions considerably and introduce the necessary measures to increase the resilience of populations and ecosystems to changes in the climate. The Paris Agreement now plots the road map for the post-2020 period. At the same time, the 21st Conference of the Parties (COP 21) was a chance to start plugging the gap immediately between the commitments made by the countries and the reductions in GHG emissions that were really necessary to prevent global warming from reaching perilous levels. As such, the commitments and measures taken for the period 2016-2020 are just as important. In effect, the commitments that were included in the Parties' INDC submitted before COP 21, were leading us to increases in temperature estimated between 2.7°C⁴³⁹ to 3.5°C⁴⁴⁰ at the end of the century according to independent analysis. In both cases, the path followed would lead to warming that was well above predictions of the scientific community which had quantified the need to contain warming at 2°C, and even 1.5°C. These figures were thus fixed as a barrier by the UNFCCC Parties. Beyond that ceiling, the climate system would suffer dangerous disorders that could lead to a substantial rise in sea levels and displace huge numbers of populations, turn certain regions into desert with consequent malnutrition and famine and increase natural catastrophes such as storms, cyclones, flooding, etc.

(Source: IFDD, 2015 - Guide to the negotiations - COP 21)

Fear by all developing countries before and during COP 21 was that an agreement be reached centred around mitigation, taking away importance of adaptation and the necessary support to accompany it. Such fear subsisted in spite of the proposal made by the Group of African Countries for the adoption of a global adaptation objective to be linked directly to the global mitigation objective⁴⁴¹, which was supported later by the Group of LDC, SIDS, LMDC and also ALBA, etc.

In spite of decisions and mandates of Paris, contributing to consideration of adaptation, several main adaptation issues must still be considered. The following box reminds us of priority questions that prevailed during deliberations of COP 21 in Paris, which must be taken up during the COP 22 in Marrakesh.

439. Analysis of Climate Action Tracker on 1 October on 108 INDC representing 135 countries [online] http://climateactiontracker.org/assets/publications/CAT_global_temperature_update_October_2015.pdf

Figure taken up by Christiana Figueres, Executive Secretary of UNFCCC, in a declaration [online] <http://newsroom.unfccc.int/unfccc-newsroom/indc-synthesis-report-press-release>

440. Analysis of ClimateInteractive on 21 October 2015 [online]

<https://www.climateinteractive.org/tools/scoreboard>

441. African Group, 2013.

Main adaptation issues in Paris, during COP 21

How to improve collaboration with the NWP and the other institutions involved in the adaptation issues, such as the Adaptation Committee?

How to ensure the diffusion of relevant knowledge products developed by the Adaptation Committee so as to orient planning and actions in adaptation and put at the public's disposition a compilation of good practices and available tools? How to engage the centres and regional networks in these activities?

How to integrate approaches and tools for taking into account the dimension of the genre and local, indigenous and traditional knowledge and practices in the NAP?

How to evaluate the progress of countries in the development of their NAP and incite Parties further to share their experiences, notably across the Web portal dedicated to the NAP?

How to increase the predictability and the amount of financing for the preparation and implementation of NAP, including for countries that are non-LDC?

What is the role to be played by the NAP in the INDC of developing countries?

Are the NAP guidelines based sufficiently on real situations of LDC, notably as regards the financial capabilities of these countries and the international support available?

Should the mandate of the LEG be renewed and what should be its role?

The work of the LEG, are they sufficiently integrated and coordinated with those of other agencies and programmes, particularly as regards adaptation?

How to encourage the LDCEG to take more responsibility in matter of financial and technical capacity building of countries?

Should it furnish support to the access of sources of financing for the formulation and the implementation of the NAP?

Should the LDCEG be given a greater mandate authorising it to negotiate support with financial institutions towards the LDC and other developing countries which do not manage to mobilise resources directly through technical and financial partners?

IFDD (2015) Guide to the Negotiations - COP 21

Paris was a real success on Adaptation, just like the Cancun Conference, if not more, dedicating an entire article to adaptation, with provisions contained in the twelve paragraphs of this article (see section I.B.7).

Thus, obtaining a global objective for adaptation constitutes a positive result of the Paris Agreement on Climate Change⁴⁴². This objective places adaptation once again in the centre of climate preoccupations on which the international community must settle in the future of the fight against global warming.

442. See World Resources Institute, 2015; and, Magnan A., 2016. IDDRI

In Marrakesh, the State Parties will have to consider the various adaptation issues. Even if the result is globally positive for COP 21 in Paris, there still remain many practical modalities and actions to be ironed out for an effective implementation of provisions regarding adaptation, in particular in terms of access to financial resources.

The Bonn session of subsidiary Convention bodies⁴⁴³ in May 2016 allowed countries to exchange views, discuss and enter into negotiations on the issue of adaptation, in particular the provisions under the Paris Agreement and the accompanying decision. The discussions covered the following items:

- **APA 1**

- New guidelines for communications on adaptation, including among others, as a component of NDC under Articles 7.10 and 7.11 of the Paris Agreement, and
- Questions regarding the global stocktake.

- **SBI 44**

- Establishment of modalities and procedures for the operation and use of a public registry under Article 7.12 (registry of communications on adaptation) of the Paris Agreement;
- National adaptation plans; and
- Third review of the Adaptation Fund

There was also the question of adaptation in two technical meetings of experts, covering respectively:

- Improvement in implementation of adaptation measures; and
- Efficient policy frameworks and institutional arrangements for planning and implementation of adaptation.

- **SBSTA 44**

- Nairobi Work Programme on adaptation and
- Agriculture.

Moreover, in the framework of the work programme as a whole, other aspects of the mandate regarding adaptation were considered by different specialised groups of the Convention, just like:

- Establishment of modalities of recognition for adaptation efforts by developing countries in accordance with Article 7.3 of the Paris Agreement by the Adaptation Committee and the Group of Experts from LDC.

⁴⁴³. Subsidiary bodies of the Convention: Implementation Body (SBI), Body for Scientific and Technological Advice (SBSTA) and Ad Hoc Working Group on the Paris Agreement (APA)

- Examination, in 2017, of institutional arrangements regarding adaptation under the Convention, in order to improve coherence of their work and activities to respond to expectations of countries, by the Adaptation Committee.
- Consideration, by the Adaptation Committee, of methodologies for assessing adaptation needs to assist developing countries without placing a burden on them.
- Revision, by the Adaptation Committee, the Group of Experts of LDC and other institutions of the adequacy and efficiency of adaptation actions and support provided in accordance with Article 7.14(c) of the Paris Agreement.
- Accelerating support for LDC and other developing countries in order to formulate their national adaptation plans according to Decisions 1.CP/16 and 5.CP/17, by the Green Climate Fund.

When viewing adaptation questions as a whole, it is clear that taking mitigation into account is still relative, taking account of the problem is still fragmented, mainly reflected by the increase in the number of forums for dealing with the issue. In this respect, for introducing coherent management, appropriate monitoring and, under effective implementation of commitments and the enhanced Paris mandate, it is important that each delegation or, failing that, group coordinator ensures permanent consideration that is stable and continuous in terms of negotiations on these problems.

In Marrakesh, at the COP 22 the question of adaptation will be dealt with in the different forums of negotiation of the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement, as indicated in the following provisional agendas⁴⁴⁴:

- **COP 22 agenda**
 - Report of the Adaptation Committee (agenda item 6))
 - Implementation of paragraphs 8 and 9 of Article 4 of the Convention (agenda item 14)
 - a) implementation of the of Buenos work programme Aires on Adaptation and Response Measures (Decision 1/CP.10)
 - b) questions relating to the LDC.
- **CMP 12 agenda**
 - Issues relative to Adaptation Funds (agenda item 7)
 - a) report by the Adaptation Fund Board
 - b) third review of the Adaptation Fund⁴⁴⁵

444. UNFCCC, *Meetings, Marrakesh Climate Change Conference - November 2016* [online] http://unfccc.int/meetings/Marrakesh_nov_2016/meeting/9567/php/view/documents.php

445. Item included and reviewed also by the SBI 44 (May 2016)

- **APA⁴⁴⁶ agenda**
 - Additional guidelines connected to communication on adaptation, mainly, as an element of the NDC, in line with Article 7 of the Paris Agreement (Agenda item 4)
- **SBI agenda**
 - Development of modalities and procedures for the operationalisation and use of a public registry referred to in Article 7.12 of the Paris Agreement (agenda item 6)
 - National Adaptation Plans (agenda item 9)
 - Report of the Adaptation Committee (agenda item 10)
- **SBSTA agenda**
 - Nairobi Work Programme on the impacts, vulnerability and adaptation to climate change (agenda item 3)
 - Report of the Adaptation Committee (agenda item 4))
 - Issues relative to Agriculture (agenda item 7)
 - Modalities for the compatibility of financial resources provided and secured through public interventions pursuant to Article 9.7 of the Paris Agreement.

The key issues for COP 22 should be to find answers or at least to try to carve out a path indicated for concrete implementation of adaptation actions, as provided for in the Paris Agreement and its accompanying Decision.

Challenges and issues of Adaptation:

- Can countries agree, considering the important and new situation taken by adaptation in the Paris Agreement on a vision⁴⁴⁷, understanding and common interpretation of what adaptation should become in face of climate change for all countries?
- Maintaining the differentiation between developed and developing countries regarding support for adaptation, in particular making available means for implementation has always been a demand from developing countries. What evolution can be expected or anticipated on new regulations concerning adaptation in the Paris Agreement in particular in terms of the global objective (quantifiable or not) of national communications on adaptation and the global stocktake?

⁴⁴⁶. Adaptation elements will also be addressed by the APA under the items relating to the NDC, Transparency and the global stocktake, as for mitigation.

⁴⁴⁷. Magnan A. (2016). IDDRI

- What practical modalities and procedures must be developed and prepared on issues of adaptation?
- How to ensure appropriate and predictable public financing for adaptation projects and programmes in developing countries, especially the most vulnerable ones?
- What transparency for the support provided by developed countries for the benefit of developing countries by adaptation actions?
- The modalities for dealing with adaptation – and its consideration could potentially be far wider than mitigation – given its strong dependence on national and local characteristics, i.e. “national realities”. It is especially important to decide who is going to pay, what aid will be forthcoming and for whom, without forgetting the monitoring and assessment processes.
- How to ensure that adaptation be considered equitably and adequately as is the case with mitigation in the framework of the global stocktake? How to evaluate qualitatively and quantitatively the expectations of the global adaptation objective and the progress recorded by the countries?
- Finally, how will the issue of « vulnerability » closely linked to adaptation be dealt with and what chances will it have so that the climate community (scientific, political, economic, etc.) can agree on a same understanding, even definition and use acceptable to all?

III.6 Role of non-State actors and evaluation of commitments

III.6.1 Context: Some commitments from States Parties are still inadequate

The Paris Agreement is already historic, as it involves for the first time all the States Parties at the UNFCCC. The CPDN has played a key role in the preparatory process and the arrangement of this agreement: each Party has therefore been able to determine their level of commitment, depending on their national realities, in accordance with one of the founding principles of the UNFCCC, “*common but differentiated responsibilities*”⁴⁴⁸. Facing the deficit of state ambition described above, the multi stakeholder collaboration, including the contribution of non-State actors, proves to be more vital than ever, in order to increase the level of ambition and reduce the gap between our goals and the actions required to reach them.

448. United Nations, 1992a, UNFCCC, art. 3 paragr. 1

III.6.2 Acknowledgement of the role of non-State actors

Non-State actors... at the heart of the climate agenda...

If the national governments have been the main actors in the multilateral negotiations on climate since the 1992 Earth Summit in Rio de Janeiro, non-State actors have continued to play a key role in environmental issues since the beginning. Agenda 21, which was adopted at the time, does indeed recognise that *“one of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making”*⁴⁴⁹. In this sense, it identifies nine *“major groups”* including non-government organisations (NGO), local communities and even commerce and industry⁴⁵⁰.

Since, community organisations have pushed for the adoption of more ambitious agreements on climate, at the same time as implementing an array of solutions in favour of production methods and consumption patterns that are more favourable for the environment, including low-carbon modes.

...and to the rescue of ambition

More than ever, non-State actors have become indispensable in the fight against climate change, by innovating every day and, around the world, numerous initiatives continue to emerge, adapted to suit local contexts. The COP21 has reaffirmed that theirs has become a central role.

The decision to adopt the Paris Agreement mentions them on several occasions:

- in the preamble, by including them in the necessary mobilisation under the same title as the Parties to the Convention *“Agreeing to uphold and promote regional and international cooperation in order to mobilize stronger and more ambitious climate action by all Parties and non-Party stakeholders, including civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous peoples (...)”*⁴⁵¹
- in the body of the Decision, the Conference of the Parties *“welcomes the efforts of non-Party stakeholders to scale up their climate actions, and encourages the registration of those actions in the Non-State Actor Zone for Climate Action platforms”*^{452/453}

449. United Nations, Agenda 21, Chapter 23, preamble, paragr. 23.2 line 1 [online]
<https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>

450. United Nations, Official text of Agenda 21 [online]
<https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>

451. Decision 1/CP.21, *Adoption of the Paris Agreement*

452. The NAZCA Platform (*see above*)

453. Decision 1/CP.21, paragr. 117

The decision that operationalises the Paris Agreement even dedicates Chapter V to them. “*Non-Party stakeholders*”⁴⁵⁴. The action of non-State actors “*including those of civil society, the private sector, financial institutions, cities and other subnational authorities*”⁴⁵⁵ is underlined and they are invited to scale up their efforts, both in order to find ways to reduce greenhouse gas emissions (GHG) and also to build up resilience in the face of adverse effects of climate change⁴⁵⁶.

Local and subnational dimensions of adaptation are also showcased⁴⁵⁷, clearly recognising the role of cities and local governments going forward.

International recognition of local and regional governments

From 1947, local government networks benefit from consultative status in the capacity of non-government organisations (NGO) in the eyes of the United Nations Economic and Social Council (ECOSOC).⁴⁵⁸ Knowing that, the reason that NGOs have played a role in United Nations debates for the first time, is due to the bias from ECOSOC. “*In 1945, 41 NGOs were granted consultative status by the council; by 1992 more than 700 NGOs had attained consultative status and the number has been steadily increasing ever since*”⁴⁵⁹

In 1992, local authorities were recognised as one of the nine “*major groups*” of Agenda 21. Ever since, local governments have been recognised and included in the largest international meetings and by the UN, such as Beijing+10, the Millennium Summit of World Leaders+5 and even the World Water Forum, etc.⁴⁶⁰ The role of local and regional governments is more and more recognised on the international scene, demonstrating their essential participation in the sustainable development of our societies, including as part of the fight against climate change.

Local and regional governments... a demand for results in the fight against climate change

Starting from 2007, local and regional governments have published a “*Local Government Climate Roadmap*”⁴⁶¹. The objective has stayed the same and it is about participating in the implementation of an ambitious climate regime on the post-Kyoto agenda.

Continued on page 149

454. Decision 1/CP.21, p. 19

455. Decision 1/CP.21, paragr. 133

456. Decision 1/CP.21, paragr. 134

457. Decision 1/CP.21, Annex, Paris Agreement, Article 7

458. UCLG, 2016, p. 10

459. CSONET, NGO Branch, Introduction – *Introduction to ECOSOC Consultative Status* [online]

<http://csonet.org/index.php?menu=30>

460. UCLG, 2016, p. 10

461. To find out more: Local Government Climate Roadmap, Official site [online]
<http://www.iclei.org/index.php?id=1197>

In 2010, local and regional governments were recognised for the first time as “government stakeholders” within the Cancun Agreements at COP16⁴⁶². They have since been implicated as official stakeholders within the Conference of the Parties of the UNFCCC.

Beyond climate negotiations, local authorities form the essential bridge between the international sphere, national governments, communities and citizens. They have a crucial role to play in the new global climate partnership. Regarding this the UN Secretary-General, Ban Ki-Moon, announced: “As the world strives for a more sustainable path in the years ahead, particularly beyond 2015, local voices and local action will be crucial elements in our quest”⁴⁶³.

From a practical point of view, local governments have a strictly limited territorial seat, which often allows them (by virtue of their expertise, decentralisation and subsidiarity principle⁴⁶⁴) to implement ambitious climate policies according to local geographic, social and economic realities. A further example is the mobilisation of Regions as demonstrated at the recent Mediterranean Forum, which took place in Tangier on 18th and 19th July 2016 (MedCOP Climate 2016)⁴⁶⁵.

III.6.3 The commitments of non-State actors

An abundance of initiatives... the commitments of non-State actors as so many opportunities for action

a. Existing initiatives

As part of the climate negotiations, the mobilisation of non-State actors has been encouraged by the setting up of the *Lima-Paris Action Agenda (LPAA)*⁴⁶⁶. This initiative has achieved great success and to facilitate the details and the follow-up for initiatives of the LPAA, the *Nazca platform*⁴⁶⁷ was set up. Launched in 2014 by the Peruvian chairman of COP20⁴⁶⁸, it logs the commitments made by non-State actors for climate change action. The registered actions are gathered according to

462. UNFCCC, 2010, Decision 1/CP.16, paragr. 7

463. *Message from the UN Secretary-General Ban Ki-moon, during a meeting of the Global Task Force of local and regional governments in New York, 28 May 2013.*

According to UCLG, 2016, p. 6

464. Contributing to the fact that decisions are taken closer to the citizens

465. For more information, see ENERGIES 2050, 2016b

Consult the official site of MedCOP Climate 2016: <http://medcopclimat.com/en/medcop-mediterranean-forum-climate-tangier-2016>

Or the official homepage for civil society: <http://medcoptanger-sc.com/fr/index.html>

466. LPAA – *Lima Paris Action Agenda*

467. “Non-State Actor Zone for Climate Action”

<http://climateaction.unfccc.int/>

468. UNFCCC, Newsroom, 2015. “An initiative from the French and Peruvian governments, the Secretary-General of the United Nations and the administration department of the UNFCCC”

13 sectors: reduction in emissions; resilience; transport; access to energy and energy efficiency; renewable energies; agriculture; private financing; forest; innovation; construction; carbon enhancement; short term pollutants; and others.

On 5th October 2016, 11,615 actions were recorded on this platform, covering both the period pre-2020 and between 2020 and 2030 (which is also the duration for the implementation of CPDN/NDC) and the long term. On the same date, the following were committed: 2364 cities⁴⁶⁹, 167 regions⁴⁷⁰, 448 investors⁴⁷¹, 236 civil society organisations⁴⁷² et 2090 companies⁴⁷³, proving that there is a growing mobilisation of all stakeholders, in the North but also in the South.

On the Nazca platform, the range of commitments is established either by collective actions (*Cooperative Initiatives*, which are commitments taken collectively by a variety of non-State actors: businesses, cities, subnational regions, civil society investors, often in partnership with the country), reuniting different actors in the same goal, or by individual actions (*Individual actions*), which are a commitment by a sole actor to achieve a particular objective.

On 5th October 2016, 7369 individual actions were recorded⁴⁷⁴, apportioned as follows:

Figure 5: Number of actors engaged in individual actions by sector (NAZCA)



469. <http://climateaction.unfccc.int/cities>

470. <http://climateaction.unfccc.int/subnational-regions>

471. <http://climateaction.unfccc.int/investors>

472. <http://climateaction.unfccc.int/csos>

473. <http://climateaction.unfccc.int/companies>

474. <http://climateaction.unfccc.int/total-commitment-themes?themeid=0&theme=&open=yes&ctype=individual&Country=0>

On 5th October 2016, 4246 cooperative actions were recorded⁴⁷⁵, apportioned as follows:

Figure 6: Number of actors engaged in cooperative actions by sector (NAZCA)



Figure 7: Cities engaged in NAZCA⁴⁷⁶



475. <http://climateaction.unfccc.int/total-commitment-themes?themeid=0&theme=&open=yes&type=cooperative&Country=0>

476. <http://climateaction.unfccc.int/cities>

Among the numerous initiatives, the Covenant of Mayors serves as an example: several thousand cities, mainly in Europe and, more and more frequently, elsewhere, have committed to overtake objectives fixed on a national level in their lands on the subjects of climate policy. The new Covenant of Mayors for climate and energy, created in 2015, has reaffirmed this ambition until after 2020. The Covenant has gathered, by 5th October 2016, 6907 signatories, representing close to 214 million residents⁴⁷⁷.

Figure 8: Signatories of the Covenant of Mayors



Another example is the programme *Science based targets*⁴⁷⁸ bringing together large multinationals, all committed to policies to reduce their GHG emissions.

These elements are just the “tip of the iceberg”, as the list of examples of non-State actors’ involvement is almost infinite and has been for many years. It has henceforth become evident that the contribution of all stakeholders is not only a key element of climate change action but also that it proves to be vital to raise the level of ambition in order to maintain the level of global warming below 2°C by the end of the century.

477. Covenant of Mayors’ site [online] http://www.covenantofmayors.eu/index_en.html

478. Science based targets’ site [online] <http://sciencebasedtargets.org/>

b. Initiatives that are already in progress, that should be prolonged and renewed

The Paris Agreement, leaning on decision 1/CP.20, recognises the initiatives and commitments by all actors, including those non-State actors⁴⁷⁹ launched as part of the Lima-Paris Action Agenda⁴⁸⁰. Decision 1/CP.21 states furthermore, the urgent need to intensify the world response to climate change and to promote a greater ambition for governments.

In order to create a link between the Covenant and the multiple voluntary initiatives, “two high-level champions”⁴⁸¹ have been appointed for the period 2016–2020. These personalities are notably responsible for seeing that the execution (of the extension of the LPAA initiatives) and intensification of voluntary initiatives by non-State actors are followed.⁴⁸² In other words, these two champions should advance the Global Climate Action Programme through the so-called “*non-Party stakeholders*”.

Decision 1/CP.21 in this way details the tasks that fall to these high-level champions:⁴⁸³

“[...] to facilitate through strengthened high-level engagement in the period 2016–2020 the successful execution of existing efforts and the scaling-up and introduction of new or strengthened voluntary efforts, initiatives and coalitions, including by:

- a) Working with the Executive Secretary and the current and incoming Presidents of the Conference of the Parties to coordinate the annual high-level event referred to in paragraph 120 above;*
- b) Engaging with interested Parties and non-Party stakeholders, including to further the voluntary initiatives of the Lima-Paris Action Agenda;*
- c) Providing guidance to the secretariat on the organization of technical expert meetings referred to in paragraph 111(a) above and paragraph 129(a) below”*

In doing so, the two high-level champions have risen to the challenge, and a new climate change action agenda⁴⁸⁴ has been launched, formed by a “*Global Climate Action Agenda*”.

479. Decision 1/CP.21, *Part IV, Enhanced action prior to 2020*, paras. 106–132; and, Decision 1/CP.21, *Part V, Non-Party stakeholders*, paras. 134–137

480. Decision 1/CP.21, paragr. 121

481. Hakima El Haite originating from Morocco, and Laurence Tubiana from France UNFCCC, Newsroom, 2016b

482. Decision 1/CP.21, paragr. 121

483. Decision 1/CP.21, paragr. 121

484. UNFCCC, Newsroom, 2016f

Global Climate Action Agenda: The roadmap

Ms. Hakima El Haité and Ms. Laurence Tubiana, high-level climate champions from Morocco and France, have published their roadmap for the implementation of their global action plan. The action plan has the objective of strengthening cooperative initiatives between governments, cities, businesses, investors and citizens in order to rapidly reduce emissions and to help vulnerable countries to adapt to the impact of the climate and to develop their own sustainable future using clean energy.⁴⁸⁵

“As the appointed champions of global climate action:

- We believe that we need to, *inter alia*, be an interface between action on the ground and the UNFCCC negotiation process, and between non-Party stakeholders and Parties;
- We intend to track implementation of existing initiatives to demonstrate credibility, promote best practices and enhance delivery;
- We will also support new initiatives, focusing on adaptation, with a view to broadening the country coverage and including more initiatives from developing country Parties and non-Party stakeholders;
- We are committed to working with all Parties and non-Party stakeholders, to respecting the principles of inclusiveness and transparency, and to promoting innovation.
- We will present, at COP 22, a joint report on climate action and on the implementation of this road map.⁴⁸⁶

Presentation of the roadmap⁴⁸⁷

A. To involve the interested Parties and non-Party stakeholders, including the promotion of voluntary initiatives from the Lima-Paris Action Agenda

1. To build on existing initiatives and to support new geographically-varied initiatives
2. To connect initiatives and alliances to national action plans such as Nationally Determined Contributions (NDC)
3. To assure more transparency, track results and establish credibility

B. To provide guidance to the secretariat on the organisation of technical meetings of specialists, and to work with the Executive Secretary and the current and future presidents of the Conference of the Parties to coordinate annual events to a high-level

The two champions have also invited governments and non-State actors to convey their points of view on this roadmap, as well as any useful input, aiming to stimulate climate action, up until 1st August 2016.⁴⁸⁸

Continued on page 155

485. Official site of COP22, Marrakesh, *High-Level Climate Champions Launch Roadmap for Global Climate Action* [online]

<http://www.cop22.ma/en/high-level-climate-champions-launch-roadmap-global-climate-action>

486. UNFCCC, Newsroom, 2016b

487. UNFCCC, Newsroom, 2016b

488. CCNUCC, Newsroom, 2016c – To consult the champions’ letter [online]
<http://newsroom.unfccc.int/media/658506/high-level-champions-invitation-submissions.pdf>

During the Bonn Conference, held in May 2016, the two champions reiterated their commitments, at the same time as showing their optimism.⁴⁸⁹

Hakima El Haité announced in this way: *“The solidarity and trust built up in Paris should be the indicators of success in Marrakesh. COP22 should be a COP of action, launched on the work carried out in Bonn. We must strengthen solutions and concrete actions, at the same time as maintaining the spirit of Paris”*

Laurence Tubiana, echoed this statement: *“The time has come to connect fully the actions of governments, and in particular the NDC, with the numerous initiatives and alliances led by non-State actors: let’s bring the positive energy from the surroundings into ourselves”*

The two champions were also present at the first Global Forum of Alliances and Coalitions, which took place on 23rd and 24th June in Rabat, Morocco. This forum brought together close to 450 participants, representing various stakeholders, including governments, multilateral institutions, NGOs, alliances, coalitions and the private sector.⁴⁹⁰

Facing this buzz that is getting organised day by day, the Action Agenda should become a reality so that the “spirit of Paris” endures. Everyone has a role to play and it is only together that the battle against climate change can be won. The COP22 in Marrakesh should make it possible to consolidate the foundations of this great mobilisation, by once again promoting the mobilisation of multiple stakeholders, and notably the participation of non-State actors in the fulfilment of fixed objectives according to the Paris Agreement.

III.7 Transparency

III.7.1 Transparency and implementation of the Paris Agreement

The enhanced transparency framework is one of the key aspects of the architecture of the new global climate regime adopted in Paris in December 2015.

According to Deprez, A., Colombier, M., and Spencer (hereinafter Deprez *et al.*)⁴⁹¹, the transparency framework is critically important to build trust internationally that countries are effectively making the changes necessary to combat climate change, as well as to evaluate and promote stepping up these actions. The paper highlights the need to build trust in collective action, i.e. the trust that a large number of countries will shift to a low-carbon economy and deliver on their undertakings, as well as in individual action. This strengthened trust must necessarily

⁴⁸⁹. UNFCCC, Newsroom, 2016d

⁴⁹⁰. UNFCCC, Newsroom, 2016e

⁴⁹¹. Deprez *et al.* 2015

lead to robust policy measures and the establishment of a clear and reliable context to enable all actors – and the private sector in particular – to commit in turn by shifting their strategic orientations and investments.

Deprez *et al.*⁴⁹² identify four principles to enable the transparency framework to build trust in collective action.

- universality of reporting and of review to increase the coherence of NDCs;
- compliance with the principle of self-differentiation, allowing countries to use the reporting options most in line with their NDCs and their national circumstances;
- no-backsliding, designed to ensure there is no going backwards, which would threaten the ambition for the reporting and review process, conversely; and,
- on-going improvement, which aims to enhance climate change ambitions over time.

III.7.2 Framework established ahead of COP 21

The first reporting framework established for actions to mitigate climate change initially consisted of a system differentiated between countries.

First of all, all Parties were and are required to present their National Communications to the UNFCCC⁴⁹³. For developed countries, this document must include information on GHG emissions and reductions, national circumstances, policies and measures in place, the assessment of vulnerability, financial resources and transfer of technology, education, training and public awareness measures and any other details of the activities undertaken to implement the Convention. National Communications from developing countries must provide information on GHG inventories, measures to mitigate and to facilitate adaptation to climate change and any other information relevant to implementing the Convention. Developed countries are also required to submit their annual inventories of GHG emissions in addition to the National Communication.

The 2010 Cancun Agreements strengthened the existing transparency framework. The Parties agreed to share information every two years on policies and measures to combat climate change, according to their specific circumstances. This enhanced framework was implemented in 2014 and includes three main phases:

- An initial reporting phase;
 - National technical assessment of the reports submitted; and
 - A third peer-to-peer exchange covering progress by the country.
- Developed countries are required to submit Biennial Reports, while the reporting by developing countries takes the form of Biennial Update Reports.

492. Deprez *et al.* 2015

493. http://unfccc.int/national_reports/items/1408.php

The second and third phases are also differentiated. The Biennial Update Reports from developing countries are submitted for International Consultation and Analysis (ICA) while the technical examination of the Biennial Update Reports from developed countries is known as an International Assessment and Review (IAR) process.

III.7.3 New, enhanced transparency framework

The biennial reporting and review process introduced in the Cancun Agreements provides a solid basis to establish the enhanced transparency system explicitly called for in Article 13 of the Paris Agreement⁴⁹⁴. This new enhanced framework must:

- Monitor advances/progress towards achieving individual and collective emission reduction objectives;
- Increase understanding of how to complete NDCs. However, for some types of NDCs, such as those that do not have detailed mitigation goals, it will be more difficult to evaluate progress or expected impacts.

The new mechanism will be flexible with regard to defining the scope, frequency and level of detail in the reporting, as well as the scope of the reviews.

The transparency framework will follow the process established under the UNFCCC to provide clarity on the support provided to fulfil obligations and deliver on undertakings under the Paris Agreement. The challenges of reporting and reviewing this type of information are well known. For the most part, they concern the availability and clarity of the information required and reported, as well as the lack of reporting methods and typology of activities related to climate change.

In the absence of clearly-defined rules and methodologies, reporting on financial support for measures to combat climate change poses a greater challenge, compared with reporting on GHG emissions and emission reductions. This is true for the reporting of climate financing through public interventions. In this instance, it is vital for all multilateral development banks, environment funds, international organisations, the private sector and national governments to participate in the communication effort. Communicating the support received by developing countries will also be critical, since few countries have established this process. In addition, ex-ante communication by developed countries on financing provided and used is seen as crucial, since this was previously done on a voluntary basis.

Moreover, in addition to the need to establish the rules and methodology for reporting climate financing, it also remains to establish a shared vision of the concepts introduced by the Paris Agreement – for example, the concepts of “*progress* in line with previous efforts” and the “provision of *scaled-up* financial resources”.

494. OECD/IEA, 2016

According to Deprez *et al.*⁴⁹⁵, discussions are currently under way with the UNFCCC to define the terms and conditions for communication on financing. Despite the political connection with reporting on mitigation actions, the topic is addressed in a separate parallel track by the Standing Committee for Finance.

As stated in the OECD report⁴⁹⁶, ending differentiation between the Parties is one of the main features of the enhanced transparency framework ushered in by the Paris Agreement. A second important difference which can be highlighted concerns the purpose of reporting. Prior to this, the transparency system was based primarily on mitigation actions. Nevertheless, the new framework must also take into account transparency regarding the resources provided to complete mitigation and adaptation actions, in other words, the financial, technical and capacity-building resources needed to achieve objectives. Transparency on adaptation actions will also be a challenge for implementing the Paris Agreement. There is currently no agreement on how to monitor and assess adaptation actions. Deprez *et al.*⁴⁹⁷ underline the potential role of the Adaptation Committee in developing and implementing a mechanism to increase the transparency of these adaptation actions.

III.7.4 Conditions required to ensure transparency

Leaving aside the financial support required for the implementation of actions and which must be included in communication by the Parties, Dagnet's⁴⁹⁸ article places the spotlight on the need to build capacity to enhance or develop sound national and international measuring, reporting and verification (MRV) systems, as well as robust domestic regulation procedures.

The report emphasises the emergence of a range of initiatives since the Paris negotiations, such as:

- the Capacity Building Initiative for Transparency (CBIT)⁴⁹⁹ established through the Global Environment Facility: the United States, Canada and the United Kingdom have committed to pay USD 30 million for the initiative. The aim is to consolidate the institutional and technical capacities of developing countries to meet the enhanced transparency requirements in the Paris Agreement, leading up to 2020 and beyond.
- The Initiative for Climate Action Transparency⁵⁰⁰: Germany, Italy, and the ClimateWorks Foundation have committed USD 16 million to this initiative, through the Children's Investment Fund Foundation. The aim of the initiative is to provide all policymakers with the tools and support required to measure and assess the effects of their climate actions. For example, the Initiative for

495. Deprez *et al.* 2015

496. OECD/IEA, 2016

497. Deprez *et al.* 2015

498. Dagnet, 2016

499. <https://www.thegef.org/gef/CC/capacity-building-initiative-for-transparency>

500. <http://www.climateactiontransparency.org/>

Climate Action Transparency recently published the results of a stakeholder survey⁵⁰¹ conducted to clarify needs, identify expected outcomes and tailor reference documents, which will guide countries in ensuring credible measurement and reporting of GHG emissions, sustainable development and transformational impacts of their policies and actions. The findings highlight the need for more detailed methodological guidance and for better guidance on international reporting requirements to the UNFCCC and for national planning, reporting, and evaluation.

The paper also recommends learning from past experience and drawing on the work of UNFCCC bodies, as well as existing UNFCCC training programmes, initiatives and partnerships around the subject of transparency.

Capacity-building activities are thus central to the process of enhancing the transparency framework. It is vital that they empower actors to seize the opportunity represented by implementing the NDCs for their country and to become a leader in implementing the agenda to follow to achieve the goals.

III.7.5 Next steps

Transparency was one of the items on the agenda for the Ad Hoc Working Group on the Paris Agreement (APA) during the Bonn Conference on Climate Change in May 2016. Ahead of this conference, the APA invited the Parties to communicate by the end of September 2016 their comments regarding the information required to facilitate clarity, transparency, and understanding of the NDCs, according to paragraph 28, and on the modalities, procedures and guidelines to enhance the transparency of the measures and support referred to Article 13 of the Paris Agreement.

The Earth Negotiations Bulletin⁵⁰² reports the conclusions of the Subsidiary Body for Implementation (SBI), and stresses “*the importance of the principles of openness, transparency, and inclusion during the preparations for COP 22/CMP 12 in Marrakesh*”.

Therefore the aim in the coming months is to establish a shared understanding of the clauses in the Paris Agreement on transparency and how the current framework is going to change. It will be necessary to set priorities and a schedule defining the activities to be completed by the APA and the UNFCCC entities⁵⁰³.

501. <http://www.climateactiontransparency.org/wp-content/uploads/2016/07/ICAT-Stakeholder-Survey-Results.pdf>

502. IISD, 2016a.

503. OECD/IEA, 2016

Deprez *et al*⁵⁰⁴ identifies three key challenges to be overcome to enhance transparency framework, namely collecting, processing and sharing information. For the first phase, the report suggests collecting information through the reviewed Biennial Reports, including: inventories, the description of NDCs, and progress towards the goals set in the NDCs, sector information, emission forecasts, support provided and received, and self-explanation of the choices of reporting options used in the revised Biennial Report. The report goes on to suggest using the Technical Examination phase to process the information and to merge the existing International Consultation and Analysis (ICA) and International Assessment and Review (IAR) procedures into one review process. Regarding the processing of transparency information, the report also stresses that there is currently no entity tasked with the aggregate evaluation of all efforts and progress on decarbonisation and proposes an Assessment of Collective Decarbonisation Progress. Lastly, the report points to the need for political visibility when it comes to transparency and proposes creating a database on implementation of decarbonisation, modelled on the existing UNFCCC emission inventory database, for the purposes of sharing information,

Dagnet⁵⁰⁵ identifies a number of ways forward to enhance the transparency framework and accountability under the Paris Agreement:

- Empower citizens and all stakeholders to participate in designing national policies and to be involved in the international verification process;
- Give better access to information to foster engagement and enable informed decision-making;
- Highlight the co-benefits of sustainable development actions;
- Leverage cooperative initiatives by governments, international organisations, the private sector, city authorities and others to help achieve or go beyond national climate change commitments.

The author also encourages the COP presidencies to work with the Open Government Partnership⁵⁰⁶, an international platform launched in 2011 for domestic reformers committed to making their governments more open, accountable and responsive to citizens. Opportunities to enhance transparency are also available outside of the UNFCCC. The Financial Stability Board (FSB) formed a task force in December 2015 to highlight companies' financial exposure to the risks of climate change. The disclosure of this information increases transparency and can help to bring public and private financial flows into alignment with a low-carbon and climate-resilient trajectory.

504. Deprez *et al*. 2015

505. Dagnet, 2016

506. <http://www.opengovpartnership.org/>

III.8 Gender equality in the context of climate change negotiations

III.8.1 Context: Gender and equality between men and women

Gender refers to the analysis of the status of men and women, the qualities or characteristics that society ascribes to each sex, social relationships between men and women, and socio-cultural perceptions of gender⁵⁰⁷. Gender in the Paris Agreement is included under “gender equality”⁵⁰⁸.

The recognition of equality between men and women implies recognising the particular vulnerabilities of each sex in the face of climate change. Yet, these vulnerabilities tend to aggravate social and economic inequalities: generally more affected by poverty and precariousness, women are also often more vulnerable to the consequences of climate change. At the same time, many stakeholders agree on the critical role played by women and the close link between activities usually carried out by women, the environment and climate. This key role is also stressed in the education of children, with whom the future of sustainable and resilient development lie.

The subject of gender was thus dealt with during the Rio International Conference in 1992. Agenda 21, which was adopted at the time, identified women as one of the “*major groups*” of civil society who play a vital role in achieving sustainable development⁵⁰⁹. Chapter 24 of this document, “*Global action for women towards sustainable and equitable development*,”⁵¹⁰ was dedicated to them. The question of gender equality in climate negotiations was also included in the Beijing Declaration of the Fourth World Conference on Women in 1995, which states: “*Women’s empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace.*”⁵¹¹

507. United Nations Organisation for Agriculture. *Why “gender”?* [Online]

<http://www.fao.org/gender/gender-home/gender-why/pourquoi-parler-de-gendre/fr>

508. See box “Gender equality in the Paris Agreement”

509. United Nations, 1992b Action 21, Chapter 23

510. United Nations, 1992b Action 21, Chapter 24

511. United Nations, 1995, Annex 1, para. 13, p. 3

Gender and climate

The gender aspect is a cross-cutting issue that - although not always considered central in the history of negotiations - is of great importance nonetheless. In effect, recognition of the different roles played by men and women would facilitate combating climate change and improve adaptation.

In numerous countries, in particular the most vulnerable ones, women are the first victims of the consequences of climate change. It is they who cook, fetch wood and bring water. It is therefore women who should be given priority when it comes to raising awareness of energy conservation. They are the first to benefit from the introduction of renewable energy, and also the first to suffer from scarcer water resources. In their central role as educators of children they are also at the forefront of awareness for future generations.

Better representation of women among negotiators and inside the different organisations created as a result of the Convention would improve recognition of their crucial role. For the time there is unanimous agreement that not enough progress has been made on advancing gender equality.

On the other hand, the gender issue has been essentially dealt with from an organisational point of view for now, although many consider that only a global approach would be appropriate.

Source – Guide to the negotiations 2015, updated

Figure 9: Support to boost agricultural productivity of women through agroforestry to counter land degradation and promote community conservation. Ila village, Bateke Plateau, Democratic Republic of Congo⁵¹²



512. A Collège Interdisciplinaire Territoires et Développement Durables (CITDD) project, supported by the IFDD, in partnership with the Brussels-Capital Region

Based on the Beijing Declaration, COP 7 (2001) in Marrakesh put forward the need to have a more balanced representation of men and women among the elected members of the bodies created under the UNFCCC and the Kyoto Protocol⁵¹³. But ten years later, at COP 18 in Doha in 2012 the Parties acknowledged that women continued to be under-represented in these bodies, despite declarations of intent⁵¹⁴. To remedy this situation, the Parties set the goal of gender balance inside the negotiation and decision-making bodies. Progress towards achieving this objective will be reviewed in 2016 during COP 22 in Marrakesh. However, it appears that there is still a long way to go. According to the Annual Report on gender composition tracking progress achieved, presented in Warsaw in 2013⁵¹⁵, only one body formed under the Convention or the Kyoto Protocol has achieved gender parity⁵¹⁶. On average women represented only 23% of staff in these organisations in 2013.

According to the Annual Report on gender composition tracking progress achieved, presented in Paris in 2015, no body formed under the Convention or the Kyoto Protocol has achieved gender parity⁵¹⁷. In these bodies, representation of women increased 5% in only one organisation, the Executive Committee of the Warsaw International Mechanism for Loss and Damage related to climate change, whereas the percentage fell 10% in the Executive Committee for the Clean Development Mechanism, the Consultative Group of Experts on National Communications from Parties not included in Annex I to the Convention, and the Technology Executive Committee. Other data also show a decline in the percentage of women compared with 2014 (a fall of 3% in the Adaptation Fund Board, of 7% in the Advisory Board of the Climate Technology Centre and Network) or practically no change in representation. The highest proportion of women in 2015, as a percentage, was around 40% in the Joint Implementation Supervisory Committee and the Compliance Committee facilitative branch.

Other than the question of parity in decision-making bodies, gender equality would also appear to be generally linked to the efficiency of climate action. Thus, in the 2010 Cancun Agreements, the Conference of the Parties recognised that “*gender equality and the effective participation of women (...) are hugely important for effective action on all aspects of climate change*”⁵¹⁸.

As from 2011, the Parties will endeavour to go beyond the declarations of principle and address the issue in more practical terms. During COP 17, the Secretariat requested the inclusion of the application of methods and tools respecting gender equality among cross-cutting issues, in the framework of the Nairobi Work Programme on impacts, vulnerability and adaptation to climate change⁵¹⁹. Policies on climate

513. Decision 36/CP.7

514. Decision 23/CP.18

515. FCCC/CP/2013/4, Table 1.

516. The Consultative Group of Experts (CGE) on National Communications from Parties not included in Annex I to the Convention.

517. UNFCCC, 2015d, See Table 1, pp. 4-5

518. Decision 1/CP.16, para. 7

519. Decision 6/CP.17

change must be gender-sensitive and respond to the differing needs of men and women in national and local contexts⁵²⁰. Decision 23/CP.18 aims to ensure that the needs of women and men are addressed equally in a more effective climate change policy⁵²¹.

Another advance during COP 18 in 2012 was the recognition, in the Doha work programme on Article 6 of the Convention, that the problem of equality between women and men cuts across all sectors and concerns all aspects of Article 6, *i.e.* education and public awareness of climate change and its effects; public access to information on climate change and its effects, public participation in the review of climate change and its effects and clarification of appropriate measures to address them; training of scientific, technical and managerial personnel; international cooperation on the design and sharing of material for education and public awareness of climate change and its effects, and education and training programmes⁵²². In another sign of the growing recognition of the central importance of gender balance, COP 18 organised a first workshop on gender, which took place in Warsaw in 2013⁵²³.

Following the work conducted under the auspices of the Subsidiary Body for Implementation (SBI) in 2014, COP 20 established the Lima work programme on gender for a two-year period⁵²⁴. Its work will be reviewed during COP 22 in 2016. The Programme deals in particular with the question of women representation in bodies created under the Convention, gender-sensitive climate policies, and tools to incorporate gender issues into climate activities.

Regarding the first subject, the Parties are encouraged to promote training and capacity-building of representatives, in particular the less developed countries (LDC), small island developing states (SIDS) and African countries.

The Programme also provided for two workshops. The first took place in Bonn in June 2015 under the auspices of the SBI, and covered mitigation, as well as development and technology transfer⁵²⁵. Clarification of the definition of gender terminology was also dealt with. The report on the workshop will be considered by the SBI during its 43rd session, held simultaneously with COP 21⁵²⁶. The SBI's main conclusions concerned the organisation of training and awareness building activities on issues related to gender and climate change, while stressing the efforts to step up existing work in the areas of education, mitigation, funding, technology and capacity-building. The report also recapped on the need to implement sensitive and appropriate actions on gender in these particular feeds.⁵²⁷

520. Decision 23/CP.18

521. Decision 23/CP.18, para. 2

522. Decision 15/CP.18, Annex para. 8.

523. UNFCCC, 2013b

524. Decision 18/CP.20

525. http://unfccc.int/documentation/documents/advanced_search/items/6911.php?preref=600008618#beg.

526. Decision 18/CP.20, para. 11

527. FCCC/SBI/2,015/L.31, paragr. 6 [on line] <http://unfccc.int/resource/docs/2015/sbi/eng/l31.pdf>

The second workshop was scheduled for May 2016 to focus in particular on adaptation, capacity-building and training of stakeholder representatives working on gender related issues. The Parties were invited to submit their views on the matters to be addressed in the workshop by 3 February 2016 of the latest.⁵²⁸

For its part, the Secretariat prepared a technical report on the directives of the tools designed to ensure the integration of questions of gender in activities related to climate change in April 2016⁵²⁹ for review by the SBI at its 44th. session, during the Bonn Conference in May 2016.

Two workshops were held during the Conference on gender-sensitive policy, on Wednesday 18 May⁵³⁰ and Thursday 19 May⁵³¹. During the informal discussions, many Parties wished to extend the Lima Work Programme on Gender to COP 22. With some disagreement on this point, especially regarding implementation, the Parties failed to agree and the issue was left pending.⁵³²

The SBI plenary session adopted its conclusions⁵³³, on Thursday 26 May, including⁵³⁴, SBI:

- welcoming the results of the workshop held during SBI 44 on gender-sensitive climate policy and a technical document produced by the Secretariat;
- expressing its appreciation for the two-year Lima Work Programme on Gender and the comments received in support of the programme;
- expressing its support for continuing and stepping up the work programme, and inviting the Parties and observers to submit their viewpoints on potential factors and guidelines for the continuation and intensification of the work programme, to be received by 29 August 2016, at the latest;
- requesting the Parties and observers to provide information on progress towards achieving the gender balance objectives and gender-sensitive climate policy; and
- agreeing to continue to examine this issue at SBI 45, with a view to preparing a draft decision for review during COP22.

This meeting is the culmination of a long process, for which hopes are running high, especially as a draft decision is included in the schedule for COP 22.

528. FCCC/SBI/2,015/L.31, paragr. 7 [on line] <http://unfccc.int/resource/docs/2015/sbi/eng/l31.pdf>

529. UNFCCC, 2016i

530. IISD, 2016b

531. IISD, 2016c

532. IISD 2016a, p. 16

533. FCCC/SBI/2016/L.16

534. IISD, 2016a, pp. 16-17

III.8.2 From the topic of gender to “gender equality” in the Paris Agreement

During preparatory work for COP20 in Lima, in 2014, the African Group had called for the creation of a framework on gender in the context of climate change to go beyond simple participation of women⁵³⁵ in activities related to climate change. Jamaica had in turn expressed that according to them actions to be proposed should be guided by gender equality and not only gender balance⁵³⁶, a recommendation that was only partially taken into consideration in the decision of COP20 in Lima. It recommends in effect that the Parties “*advance gender balance,*” and to “*achieve gender-responsive climate policy in all relevant activities under the Convention*”⁵³⁷. The Group Women and Gender made a call in December 2014 for a binding agreement in Paris during COP21, ambitious and transforming that respects human rights, gender equality and rights of future generations. It also addressed the integration of this subject in the INDC, implementation⁵³⁸ and in discussions on the development and transfer of technology. Furthermore, the Group had proposed in connection with this last subject a workshop on gender and technology in the framework of the Technology Mechanism created in 2010⁵³⁹.

The Conference of Lima was also an occasion to encourage various bodies created under the Convention, such as the Global Environment Facility and the Green Climate Fund, to integrate or reinforce integration of questions of gender in their activities⁵⁴⁰.

There is general consensus on the subject of gender equality among the Parties, both developed and developing countries, as a general and guiding principle even if Saudi Arabia wished in 2015 to replace the concept of gender equality with that of “*sensitivity to questions of gender*”⁵⁴¹. Numerous Parties, including the countries of the Independent Alliance of Latin America and the Caribbean (AILAC), the Like Minded Group of States (LMDC), the LDC, Switzerland, Norway, Australia and Turkey, had thus made a call in September 2015 to include gender equality in the preamble of the Paris agreement⁵⁴². The EU and India had already made similar calls in June 2015⁵⁴³. The EU, the African Group or even AILAC, among others had also requested that it appear in the objectives⁵⁴⁴.

535. IISD, 2014, p. 4

536. IISD, 2014, p. 2

537. Decision 18/CP.20, para. 1

538. IISD, 2014, p. 2

539. IISD, 2014, p. 2

540. Decision 8/CP.20, paras. 17 and 18

541. IISD, 2015a, p. 5

542. IISD, 2015a, p. 4

543. IISD, 2015b, p. 5

544. IISD, 2015a, p. 5

These proposals were included in the draft agreement⁵⁴⁵ prepared during the ADP-11 that took place in Bonn from 19-23 October 2015. In the end, in the final version of the Paris Agreement, the word “gender” was replaced by “gender equality”, to ensure recognition of the necessary equal involvement of both sexes in combating climate change, in the essential adaptation to it, and in the capacity-building topic.

Gender equality in the Paris Agreement

Decision 1/CP.21 includes the topic of gender equality, taking into account the need to involve everyone, by *“Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”*⁵⁴⁶.

This is recalled from the preamble of the Agreement, which emphasises that *“climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”*⁵⁴⁷.

In Article 7, which establishes the global goal on adaptation, *“Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate”*⁵⁴⁸.

Finally, the topic of gender equality is included in Article 11, which addresses capacity-building, and which should in particular *“be guided by lessons learned, including those from capacity-building activities under the Convention, and should be an effective, iterative process that is participatory, cross-cutting and gender-responsive.”*⁵⁴⁹

The year 2015 was critical as regards the recognition and consideration of the topic of gender equality at international level, most notably in the light of the progress made by the Paris Agreement in combating climate change, but also from a broader perspective.

545. ADP, 2015

546. Decision 1/CP.21

547. Decision 1/CP.21, *Preamble of the Paris Agreement*

548. Decision 1/CP.21, Annex, Paris Agreement, Art. 7, para. 5

549. Decision 1/CP.21, Annex, Paris Agreement, art. 11, para. 1

Indeed, the United Nations post-2015 development agenda, following on from the Millennium Development Goals, established the Sustainable Development Goals (SDG). The United Nations General Assembly thus adopted on 25 September 2015 a 2030 agenda for sustainable development (2030 Agenda), which is set out in a document with the title “*Transforming our world: the 2030 Agenda for Sustainable Development*”⁵⁵⁰.

To summarise, the SDG are the outcome of a systemic approach with a similar purpose. They deal with the interconnected and interdependent elements of Sustainable Development (including, therefore, economic growth, social inclusion and environmental protection) while addressing the international community as a whole, that is both developed and developing countries.

Figure 11: The SDG, Goal 5: Gender equality⁵⁵¹



These 17 Sustainable Development Goals (SDG) include a separate goal on achieving gender quality and empowering all women and girls (SDG5), as well as a second goal on reducing inequality within and among counties (SDG10). The targets set by the goal on gender equality guide countries towards ending all forms of discrimination and violence and to ensure that women, in all domains, can make their voice heard, make choices, access opportunities and resources, in addition to other provisions, on an equal footing. Eleven other goals – concerning subjects as varied as ending poverty and work, health, water and sanitation, just societies and sustainable cities – provide targets which are explicitly linked to achieving gender equality.⁵⁵²

550. United Nations, 2015

551.

552. UN Women, 2015b, pp. 4-5

“Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. Providing women and girls with equal access [...] will fuel sustainable economies and benefit societies and humanity at large.”⁵⁵³

553. See Sustainable Development Goals, *Gender and equality* [online]
<http://www.un.org/sustainabledevelopment/gender-equality/>

General conclusion: COP 22... or the challenge of implementation

The agreement adopted during the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) in 2015 brings together, for the first time, all the Parties to the UNFCCC and is, therefore, historic. The aim, which is now included in the Paris Agreement, is to hold the increase in temperatures to well below 2°C and to pursue efforts to limit the temperature increase to 1.5°C, from now until the end of the century, above pre-industrial levels. The next stage, which is essential for giving practical expression to this high point, is the implementation of the commitments.

The Paris Agreement and Decision 1/CP.21, which operationalises it, enabled real progress to be made in responding to the challenges posed by climate change. In addition to the universal character of this agreement, a certain number of issues were reaffirmed and/or confirmed, with reference to mitigation and market mechanisms, and also adaptation, loss and damage, financing, transfer of technology, capacity-building, or the recognition of the role and necessary involvement of all players in combating global warming. The monitoring of implementation and transparency in order to achieve the goals were also reaffirmed.

As part of the preparation for COP 21, the Parties communicated throughout 2015 their intended nationally determined contributions (INDC) to the UNFCCC Secretariat. States were required to provide evidence of the effort that they were ready to make individually and voluntarily to achieve the objectives of the Convention, mainly in terms of reducing or limited greenhouse gas (GHG) emissions. This unprecedented and emphatically bottom-up approach was influential in leading to the first universal agreement on climate. The INDC are indeed evidence of a shared understanding of the challenges and a common ambition to combat climatic disorders and also of the sustainable development of our societies. The agreement adopted in Paris states that the Parties' pledges, the INDC ("intended contributions") will now be replaced by nationally determined contributions (NDC), or, in other words, concrete action plans once the Agreement enters into force.

As at 5 October 2016, 163 INDC had been submitted to the UNFCCC⁵⁵⁴, covering 189 Parties (the European Union submitted one single INDC for all its Members). These contributions represent 96% of the Parties to the UNFCCC and

554. UNFCCC, *INDCs as communicated by Parties* [online]

<http://www4.unfccc.int/Submissions/INDC/Submission%20Pages/submissions.aspx>

a total of 95.7% of global GHG emissions⁵⁵⁵. However, the current pledges, even if they were fully met, would not be sufficient to keep the temperature increase “*well below 2°C*”, the target set in the Paris Agreement⁵⁵⁶. In fact, Decision 1/CP.21, paragraph 19, requested the Secretariat to prepare an evaluation report on the contribution of the INDC to combating climate change. This report, which was released in 2016, takes into account all of the INDC submitted by 4 April 2016. According to this document, with the title “*Synthesis report on the aggregate effect of intended nationally determined contributions*”⁵⁵⁷, average global GHG emissions are expected to be 8.7 Gt CO₂ and 15.2 Gt CO₂ in 2025 and 2030, respectively, above a scenario that is compatible with the 2°C pathway.

Beyond issues of implementing the commitments, raising the ambition therefore remains an essential corollary to the achievement of the goals set. In this context, as provided for by the Paris Agreement and in accordance with Decision 1/CP.21, each Party shall communicate an NDC every five years⁵⁵⁸, while having the opportunity to adjust it at any time, with a view to enhancing its level of ambition⁵⁵⁹. Related to these reflections is the requirement for clarity and transparency in the implementation of the NDC⁵⁶⁰, in order to meet the objectives of MRV (Measuring, Reporting and Verifying), which is at the heart of the ongoing process.

The drafting of a detailed regulation for market mechanisms (Article 6 of the Agreement) is important in order to develop the principles of environmental integrity and transparency, by learning from the experience gained from the Kyoto Mechanisms. A “race to the bottom” through harmful competition by States must be prevented, by using the cooperative approaches (CA) in Article 6.2, which are not under direct international control. The extensive experience of the CDM with MRV methodologies must be taken into account for the methodological structure of new mechanisms. Furthermore, it is also important to work very seriously on approaches that seek to accredit complete mitigation policies, such as renewable energy feed-in tariffs or carbon taxes. Approaches that aim to avoid double counting and guarantee global mitigation of emissions will most probably be a subject of dispute among the Parties.

In addition to the other advances, the principles of equity, common but differentiated responsibilities and respective capabilities are reaffirmed in the Paris Agreement, in accordance with the founding principles of the Convention. Adaptation to climate change was identified as a priority in the same way as mitigation. Real progress on adaptation regarding institutional coherence and financing are also one of the major issues for COP 22. The same is true for capacity-building, financing and technology transfer. Support should be given to the implementation

555. UNFCCC, Newsroom, 2016a

556. The Paris Agreement set the goal of keeping the temperature increase “*well below*” 2°C.

557. UNFCCC, 2016d

558. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 9

559. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 11

560. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 8

of ambitious measures by all States, including developing countries which, in the light of the inequalities in resources and their heightened vulnerability to climate, must receive support from developed countries.

The issue of financing is also a central part of the negotiations. Since Copenhagen in 2009, the developed countries have committed to mobilise every year, from 2020 onwards, 100 billion dollars for climate projects in countries in the South. The Paris Agreement establishes the principle that this amount is a floor. It also operationalises the Green Climate Fund. COP 22 must in turn bring its share of concrete commitments. International cooperation is therefore essential and must continue, in the “spirit of Paris”, in order to close the gap between the targets and how to achieve them, by including once again all players.

The Paris Agreement reaffirms the critical role of non-State players in the process, in particular with regard to States’ shortfall in ambition. They became key players by innovating and implementing initiatives adapted to local contexts on a daily basis and all around the world. The decision which puts the Paris Agreement into place even dedicates Chapter V to them, “Non-State Stakeholders”⁵⁶¹, and they are invited to scale up their efforts, to both find ways to reduce greenhouse gas (GHG) emissions and to build resilience to the adverse effects of climate change⁵⁶².

This enthusiasm, the mobilisation of all States and all stakeholders glimpsed in Paris must continue at COP 22 and be sustained. The success of the Marrakesh Conference is also equally crucial.

The Marrakesh Conference must indeed contribute strong advances to this process, in particular in the framework of the entry into force of the Paris Agreement. It should be recalled that in order for it to take effect officially and become legally binding, the Paris Agreement must be ratified by at least 55 Parties accounting for at least 55% of global GHG emissions⁵⁶³. For the record, as at 5 October 2016, 187 State Parties had signed the Paris Agreement, 72 of which had already ratified it officially, accounting for 56.75% of global GHG emissions. The requirements for the entry into force of the Paris Agreement have therefore been exceeded.

By achieving the adoption of the Paris Agreement and by ensuring that it takes effect through its entry into force, the international community has met two of the first major challenges. It is a historic milestone. The next step is therefore, now more than ever, giving practical expression to and operationalising the goals, by facing the challenges of implementation during COP 22.

561. Decision 1/CP.21, p. 21

562. Decision 1/CP.21, para. 135

563. Decision 1/CP.21, Annex, Paris Agreement, Art. 21

Appendices

A.1 Bodies formed under the Convention

Institution	Responsibilities
<i>Subsidiary bodies common to the COP, CMP and CMA</i>	
Subsidiary Body for Scientific and Technological Advice (SBSTA)	Advises the COP and CMP on scientific issues and technologies which are specific to or shared by them. (Applicable to the Paris Agreement upon its entry into force and, therefore, to the CMA)
Subsidiary Body for Implementation (SBI)	Advises the COP and CMP on improving the effective application of the Convention and the Kyoto Protocol. (Applicable to the Paris Agreement upon its entry into force and, therefore, to the CMA)
<i>Specialist bodies created by virtue of the COP</i>	
Climate Technology Centre and Network	Facilitates the establishment of a network of organisations, initiatives and national, regional, sectoral and international technology networks.
Technology Executive Committee	Seeks to carry out the application of the framework for implementing meaningful and effective actions to enhance the transfer of or access to technology.
Standing Committee on Financing	Helps the Conference of the Parties to carry out its functions relating to the Convention's financial mechanism.
Adaptation Committee	Promotes the implementation of enhanced action for adaptation.
Forum on the impact of response measures ⁵⁶⁴	Helps the countries concerned to deal with the impacts of response measures that have been implemented.
Executive Committee of the Warsaw international mechanism on loss and damage	Addresses loss and damage associated with climate change impacts, in particular extreme weather events and phenomena that are gradual, in developing countries that are particularly vulnerable to the adverse effects of climate change.
Paris Committee on Capacity-building	Created during COP 21, in Paris, to address gaps and needs, both current and emerging, in implementing capacity-building in developing country Parties and further enhancing capacity-building efforts, including with regard to coherence and coordination in capacity-building activities.
<i>Working and specialist expert groups created by virtue of the COP</i>	
Consultative Group of Experts on national communications of non-Annex I Parties (CGE)	Assists the non-Annex I Parties in preparing their national communications.
Least Developed Countries Expert Group (LDCEG)	Advises the least developed countries on preparing and implementing adaptation plans, among other things.

⁵⁶⁴. Work programme overseen by subsidiary bodies

Ad Hoc Working Group on the Paris Agreement (APA)	Prepares for the entry into force and the operationalisation of the Paris Agreement by preparing draft decisions to be recommended through the Conference of Parties to the Conference of the Parties acting as a meeting of the Parties to the Paris Agreement for consideration and adoption at its first session.
Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) (closed since end of 2015)	Helped to prepare a protocol, another legal instrument or an agreed outcome with legal force, applicable to all the Parties, which should enter into force no later than 2020 and was adopted in 2015 in Paris.
Ad Hoc Working Group on Long-term Cooperative Action of the Convention (AWG-LCA) (closed as from end of 2012)	Spearheaded the process allowing the integral, effective and on-going application of the Convention by concerted action by 2012 and beyond, with a view to adopting an "agreed result" adopted in Doha in 2012.
<i>Specialist bodies of the CMP</i>	
Executive Board of the CDM	Ensures the effective implementation and correct operation of the clean development mechanism (CDM).
Joint Implementation Supervisory Committee	Spearheads the implementation and verification of the Joint Implementation (JI) in the countries referred to in Annex I.
Compliance Committee	Is responsible for guaranteeing compliance with commitments and supports the Parties finding it difficult to comply with their obligations under the Kyoto Protocol. This committee includes a facilitative branch and an enforcement branch.
Ad Hoc Working Group on the new commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) (closed since end of 2012)	Supports the process for making commitments for the post-2012 period by Annex I Parties that are also Parties to the Kyoto Protocol, as adopted in 2012 in Doha.

A.2 The main negotiating groups

The main negotiating groups

The climate change negotiation process revolves around regional groups and negotiation coalitions. The regional groups are derived from the official United Nations classification system, according to their geographical situation, whilst the negotiation coalitions are political alliances formed on the basis of common interests. During negotiations, the countries usually speak on their own behalf or on behalf of a negotiation coalition.

United Nations Regional Groups

The regional groups do not necessarily share the same interests in relation to the negotiations on climate change. The members of the Bureau are elected from regional groups and Small Island Developing States (SIDS).

The regional groups are Africa, Asia and the Pacific Region (including Japan), Eastern and Central Europe, Latin America and the Caribbean (GRULAC, from the Spanish) and the Western Europe and Others Group (WEOG). “The others” are Australia, Canada, the United States, Iceland, New Zealand, Norway and Switzerland.

The African Group

The African Group is the only regional group to function as a genuine negotiation coalition. It has 54 members, all of whom share a variety of causes for concern, such as desertification, the lack of water resources, vulnerability to the impacts of climate change and the fight against poverty. The Group currently makes joint statements, mainly on questions relating to adaptation, technology transfer, capacity building and financing.

Negotiation coalitions

AOSIS (Alliance of Small Island States)

AOSIS is an *ad hoc pressure group* which gives a voice to the majority of Small Island Developing States (SIDS) during negotiations at the United Nations. It has 44 members that share their geographical vulnerability to the impacts of climate change, especially the rise in sea levels, which poses a threat to the survival of several islands. Most AOSIS countries also belong to the Group of 77 and China (G77/China) and nine are among the Least Developed Countries (LDC)⁵⁶⁵. Bahrain is the only SIDS member of the United Nations which does not belong to AOSIS; conversely, the Cook Islands and Niue belong to AOSIS but are not SIDS members of the United Nations⁵⁶⁶.

Least Developed Countries (LDC)

The group of LDC comprises 48 countries among the least developed (34 in Africa, thirteen in Asia and one in the Caribbean)⁵⁶⁷. They defend their interests jointly with the United Nations, especially in relation to climate change. They share considerations about their vulnerability and their need for support in planning their adaptation. The UNFCCC also recognises the special needs of the LDC, which are the least capable of facing up to the impacts of climate change.

Group of 77 and China (G77/China)

The G77/China comprises 133 developing countries and China⁵⁶⁸, which together would account for 85% of the population of the planet⁵⁶⁹. China is an associate member rather than a full member of the G77. The G77/China supports in particular

565. <http://aosis.org/members> and <http://unohrlls.org/about-sids/country-profiles>

566. *Ibid.*

567. <http://unohrlls.org/about-ldcs>

568. <http://www.g77.org/doc/members.html>

569. See for example http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/213_149_130854955925976208-G77_China%20statement%20ADP2-10%20opening%20plenary.pdf

the economic interests of its members in miscellaneous questions within the United Nations. The G77/China member countries can sometimes adopt diverging positions during the climate change negotiations, which they then defend via another negotiation coalition or regional group⁵⁷⁰.

European Union

The European Union is a political and economic union of 28 member countries. It is represented by the European Union, which is a Party to the Convention and the Kyoto Protocol⁵⁷¹, but which has no voting right distinct from that of individual countries. Despite some differences, they often adopt a common position and speak with a single voice during climate change negotiations.

Umbrella Group

The Umbrella Group is a flexible coalition of developed countries which do not belong to the European Union and which has been formed in the context of climate change negotiations. It has emerged from the JUSSCANNZ⁵⁷² group and is active in all the UN forums despite the group not always comprising the same countries. Although informal, the list normally includes Australia, Canada, the United States, Russia, Iceland, Japan, New Zealand, Norway and Ukraine (other countries are added periodically, depending on the topics addressed).

Environmental Integrity Group (EIG)

The Environmental Integrity Group was formed in 2000 by OECD members which did not agree with the positions adopted by the Umbrella Group, namely Switzerland, Mexico and the Republic of Korea. It has subsequently been joined by Monaco and Liechtenstein. Mexico and South Korea are rare OECD members that are not included in Annex I (see Sheet 6). Member countries are frequently known to negotiate on an individual basis given the huge differences in their national contexts. Otherwise, the group is normally coordinated by Switzerland.

BASIC

BASIC is a group of countries made up of Brazil, South Africa, India and China. It was founded at a meeting held in November 2009 to define a common stance for the Copenhagen Conference (COP 15, December 2009). After the meeting, BASIC published a series of positions considered to be non-negotiable by its members, in particular a second commitment period for developed countries by virtue of the Kyoto Protocol and scaled-up financing for the mitigation and adaptation of developing countries⁵⁷³. Since then, the group regularly meets in order to share its positions and to develop a shared strategy. As BASIC is made up of the most important emerging countries and large emitters, it now stands out as an indispensable actor in international climate negotiations.

570. <http://unfccc.int/6343.php>.

571. Initially as the European Economic Community

572. JUSSCANNZ is the acronym for "Japan, the USA, Switzerland, Canada, Australia, Norway and New Zealand".

573. www.sei-international.org/publications?pid=1643

Coalition for Rainforest Nations

This coalition started to take shape in 2005 under the initiative of Papua New Guinea. Its goal is recognition of the efforts made by developing countries to slow down emissions caused by deforestation. The composition of this coalition has varied over time. It currently includes 52 countries from Africa, Central America, South America, the Caribbean, Asia and Oceania⁵⁷⁴. Its members do not always speak with the same voice and the Coalition for Rainforest nations can make a statement on behalf of certain among them only.

Group of Countries of Central Asia and the Caucasus, Albania and Moldova (CACAM)

CACAM groups countries from Eastern and Central Europe and Central Asia, including Albania, Armenia, Georgia, Kazakhstan, the Republic of Moldova, Uzbekistan and Turkmenistan. There are also observers, such as Azerbaijan. These countries have created a coalition seeking recognition for their status as non-Annex I countries with economies in transition under the UNFCCC and the Kyoto Protocol⁵⁷⁵. The reason is that the UNFCCC does not define the term “developing country” clearly and that these countries do not view themselves as developing countries despite their exclusion from Annex I of the Convention⁵⁷⁶. The CACAM countries rarely take a common stance on other issues.

Bolivarian Alliance for the Peoples of our America (ALBA, from the Spanish)

ALBA was originally a political, social and economic organisation to promote cooperation in these areas between the socialist countries of Latin America and the Caribbean and offer an alternative to the Free Trade Area of the Americas advocated by the United States⁵⁷⁷. ALBA thus became a negotiation coalition in 2010, representing a hub of six countries: Venezuela, Cuba, Bolivia, Ecuador, Nicaragua and Antigua and Barbuda, joined occasionally by Dominica and Saint Vincent and the Grenadines. This coalition bases its positions on the principle that developed countries must demonstrate ambitious action in world efforts to combat climate change⁵⁷⁸.

Like Minded Developing Countries (LMDC)

The *Like Minded Group* is a spontaneous coalition of countries created during the Bonn Conference on climate change in May 2012. Its members are part of the G-77/China and, in its strategy, aims to reinforce and unify this group⁵⁷⁹. It is

574. http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/213_149_130855981051940810-CfRN_ADP2-10_opening_statement.pdf; et, www.rainforestcoalition.org

575. *Ibid.*

576. <https://unfccc.int/1031.php>

577. www.alianzabolivariana.org; and www.americasquarterly.org/hirst/article

578. www.portalalba.org/index.php/2014-03-29-22-04-24/documentos/1299-2010-06-25-x-cumbre-otavalo-ecuador-declaracion-especial-sobre-cambio-climatico

579. www.twinside.org.sg/title2/climate/info.service/2012/climate20121005.htm

made up of several countries from the Arab world, India, China, several emerging Asian economies and certain active South American Parties, especially Venezuela, Bolivia and Cuba. Also named “Developing countries with similar views”, this coalition is also found in other international forums, especially the World Trade Organisation. It is a group of States uniting around a very strong central position on major questions for developing countries, mainly equity and respect for the principle of common but differentiated responsibilities⁵⁸⁰. Note that several large oil producers are found in this group.

Arab Group

The Arab Group is made up of 22 member States from the League of Arab States, namely Jordan, Lebanon, Syria, Saudi Arabia, Egypt, Iraq, Yemen, Libya, Sudan, Morocco, Tunisia, Kuwait, Algeria, Bahrain, United Arab Emirates, Oman, Qatar, Mauritania, Somalia, Palestinian Authority, Djibouti and the Comoros. The contours of this coalition are well defined inasmuch as its members have been accustomed to working together since 1945 as a pressure group towards international institutions under the name of the League of Arab States (commonly called the Arab League). The Arab Group countries are linked together by a certain shared culture, the Arabic language and the Muslim religion. Nevertheless, the Middle-East conflicts cause tension between them.

A.3 History of climate change negotiations

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in 1992 during the Earth Summit in Rio de Janeiro. In this framework document, the UNFCCC signatory countries undertake to stabilise the greenhouse gas (GHG) concentrations at a level that would prevent dangerous anthropogenic interference with the climate system. Following this historic event, the question of global warming has increasingly taken centre stage on the international agenda. To supplement the commitments made in Rio, the 3rd Conference of the Parties to the UNFCCC (COP 3)⁵⁸¹ adopted the Kyoto Protocol in December 1997. This obliges the Parties included in Annex I of the UNFCCC (developed countries) that have ratified the Protocol to reduce jointly the emission level of six greenhouse gases (GHG) by at least 5% compared with the 1990 level in the period 2008-2012⁵⁸². This was the first binding provision, by virtue of international law, to limit countries’ greenhouse gas emissions.

580. www.twinside.org.sg/title2/climate/info.service/2013/climate130301.htm

581. The Conference of the Parties to the UNFCCC (COP) meets annually. Each conference is therefore referred to using the acronym COP x; Paris was the 21st conference and was therefore COP 21.

582. Kyoto Protocol, Art. 3, para. 1

Controversies over certain points of the Protocol could not, however, be settled in Kyoto and the Parties continued to negotiate on these topics in subsequent years. The Marrakesh Accords adopted in 2001 finally allowed the adoption of operationalisation modalities for the Kyoto Protocol. However, the Protocol only came into force in February 2005 and its implementation was delayed in a most countries. Australia only ratified it in December 2007, for example. Canada even withdrew in 2011. And the United States, the largest GHG emitter in the world until 2004 (since passed by China)⁵⁸³, has never ratified the Protocol.

With the aim of continuing to combat climate change after the first commitment period of the Kyoto Protocol (2008-2012) and formalising the contribution made by developing countries to mitigation and adaptation efforts, the Parties embarked on a dialogue about long-term cooperation in 2005. Special working groups were set up in 2007 to facilitate the progress of negotiations. This involved an Ad Hoc Working Group on the further commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), which discussed the modalities of the second commitment period of the Kyoto Protocol; and the Ad Hoc Working Group on Long-term Cooperative Action – AWG-LCA which constituted a specific framework for negotiations on the post-2012 issues under the Convention.

COP 13 (2007) provided a two-year road map on these issues known as the Bali Action Plan. This aimed to reach an agreement in 2009 in Copenhagen on a post-2012 climate regime under the Convention. The Parties did not manage to reach a detailed agreement at the planned date. The negotiations therefore continued during the next COP (Cancún in 2010 and Durban in 2011), before being concluded in Doha in 2012. At the same time, the Parties, acting as a Meeting of the Parties to the Kyoto Protocol, agreed on an amendment to the Protocol providing for GHG reduction targets during a second commitment period from 2013 to 2020. With these decisions, the 18th Conference of the Parties (COP 18) to the UNFCCC and the 8th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 8) in Doha brought the mandates of the Ad Hoc Working Group under the Convention (AWG-LCA) and the Ad Hoc Working Group under the Kyoto Protocol (AWG-KP) to an end.

At the same time, a new stage had commenced with the creation of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) in 2011. This group has been working for more than three years on preparing an agreement for the COP 21 in Paris, which would enter into force in 2020. The next Conferences of the Parties, in Doha, Warsaw and Lima, moved in this direction, whilst attempting to plug the ambition gap between the commitments taken by the Parties by 2020 and those necessary to limit global warming to less than 2°C by the end of the century. In 2015, this process resulted in the adoption of the first universal agreement on climate at COP 21 in Paris.

583. According to data from the CAIT tool of the World Resources Institute on historical emissions of countries.
[Online] <http://cait2.wri.org>.

Before describing briefly the history of the negotiations by analysing the main stages that are the Bali Action Plan, the Copenhagen Accord, the Cancún Agreements, the Durban Platform, the Doha Climate Gateway, the outcome of Warsaw and the Lima Call for Climate Action, the first part of this history of the negotiations will enlighten the reader on the current structure of negotiations and their evolution.

The table below presents a timeline of important milestones in the negotiations on climate change:

Table 6. Timeline of important milestones in the negotiations on climate change until 2015

	Important milestones	Negotiation terms
1990	<i>Submission of the first Assessment Report of the Intergovernmental Panel on Climate Change (IPCC)</i>	
1992	United Nations Conference on Environment and Development – Rio de Janeiro	Opening of three conventions for ratification: The United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD) and the Convention to Combat Desertification (CCD)
1994		
1995	<i>Second IPCC evaluation report submitted</i> COP 1 – Berlin	Berlin Mandate
1996	COP 2 – Geneva	Second IPCC evaluation report presented
1997	COP 3 – Kyoto	Kyoto Protocol
1998	COP 4 – Buenos Aires	Buenos Aires Action Plan: timetable for implementation of the Protocol
1999	COP 5 – Bonn	
2000	COP 6 – The Hague	Conference suspended as not all the questions regarding the protocol application rules could be settled
2001	<i>Third IPCC evaluation report submitted</i>	
	COP 6 resumed – Bonn	Bonn Agreements: agreement on the implementation of the Protocol
	COP 7 – Marrakesh	Marrakesh Accords: finalisation of technical details relating to the Kyoto Protocol
2002	World Summit on Sustainable Development – Johannesburg	
	COP 8 – New Delhi	Delhi Declaration
2003	COP 9 – Milan	Decision on afforestation and reforestation under the CDM adopted

	Important milestones	Negotiation terms
2004	COP 10 – Buenos Aires	Buenos Aires Work Programme: agreement on adaptation and response measures
2005	COP 11 – Montreal	Entry into force of the Kyoto Protocol
	CMP 1 – Montreal	Formation of the AWG-KP
2006	COP 12 – Nairobi	Nairobi Work Programme on impacts, vulnerability and adaptation to climate change
	CMP 2 – Nairobi	
2007	<i>Fourth IPCC evaluation report submitted</i>	Bali Action Plan Formation of the AWG-LCA
	COP 13 – Bali	
	CMP 3 – Bali	
2008	COP 14 – Poznań	Poznań strategic programme for technology transfer
	COP 4 – Poznań	
2009	COP 15 – Copenhagen	Copenhagen Accord
	CMP 5 – Copenhagen	
2010	COP 16 – Cancún	Cancún Agreements
	CMP 6 – Cancún	
2011	COP 17 – Durban	The Durban Platform
	CRP 7 – Durban	
2012	“Rio +20” United Nations Conference on Sustainable Development	The future we want
	COP 18 – Doha	Doha climate gateway
	CMP 8 – Doha	Doha amendment
2013	<i>Fifth IPCC Assessment Report submitted (first working group)</i>	Warsaw framework for REDD+ Warsaw international mechanism on loss and damage
	COP 19 – Warsaw	
	COP 9 – Warsaw	
2014	<i>Fifth IPCC Assessment Report submitted (continued: second and third working groups)</i>	Lima Call for Climate Action
	COP 20 – Lima	
	CMP 10 – Lima	
2015	Adoption of SDG during the <i>Sustainable Development Summit</i>	Sustainable Development Goals Paris Agreement
	<i>Publication of the summary report by the UNFCCC Secretariat on the INDC</i>	
	COP 21 – Paris	
	CMP 11 – Paris	

The table below indicates the meeting sequence of various bodies of the UNFCCC and the Kyoto Protocol until 2015.

Table 7. History of Conferences and Meetings of the Parties and of Subsidiary Bodies and Working Groups of the Convention and the Kyoto Protocol until 2015

Meetings of Subsidiary Bodies (SB-x):

- Subsidiary Body for Implementation (SBI)
- Subsidiary Body for Scientific and Technological Advice (SBSTA)

1995	Geneva	SB 1
	Berlin	First Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 1)
1996	Geneva	SB 2, SB 3 AND SB 4
		COP 2
1997	Bonn	SB 5, SB 6 AND SB 7
	Kyoto	COP 3
1998	Bonn	SB 8
	Buenos Aires	COP 4
		SB 9
1999	Bonn	SB 10
	Bonn	COP 5
		SB 11
2000	Bonn	SB 12
	Bonn and Lyon	SB 13
	The Hague	COP 6
		SB 13 resumed
2001	Bonn	COP 6 resumed
		SB 14
	Marrakesh	COP 7
2002	New Delhi	SB 15
		SB 16
		COP 8
2003	Bonn	SB 17
		SB 18
	Milan	COP 9
2004	Buenos Aires	SB 19
		SB 20
		COP 10
		SB 21

2005	Bonn	SB 22
		COP 11
	Montreal	First Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 1)
2006		SB 23
	Bonn	First session of the Ad Hoc Working Group on the further commitments for Annex I Parties under the Kyoto Protocol (AWG-KP 1)
		SB 24
		COP 12
	Nairobi	CMP 2
2007		AWG-KP 2
		SB 25
	Bonn	AWG-KP 3
		SB 26
	Vienna	AWG-KP 4
		COP 13
	Bali	CMP 3
2008		AWG-KP 4 resumed
		SB 27
		AWG-KP 5
	Bangkok	First session of the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA 1)
		AWG-KP 5 resumed
	Bonn	AWG-LCA 2
		SB 28
	Accra	AWG-KP 6
		AWG-LCA 3
		COP 14
2009		CMP 4
	Poznań	AWG-KP 6 resumed
		AWG-LCA 4
		SB 29
	Bonn	AWG-KP 7
		AWG-LCA 5
		AWG-KP 8
2010	Bonn	AWG-LCA 6
		SB 30
	Bonn	Informal meeting of the AWG-KP
		Informal meeting of the AWG-LCA
		AWG-KP 9
	Bangkok	AWG-LCA 7
2011		AWG-KP 9 resumed
	Barcelona	AWG-LCA 7 resumed

2010	Copenhagen	AWG-KP 10
		AWG-LCA 8
		SB 31
		COP 15
		CMP 5
	Bonn	AWG-KP 11
		AWG-LCA 9
	Bonn	AWG-KP 12
		AWG-LCA 10
	Bonn	SB 32
		AWG-KP 13
	Tianjin	AWG-LCA 11
		AWG-KP 14
	Cancún	AWG-LCA 12
		AWG-KP 15
		AWG-LCA 13
		SB 33
		COP 16
2011	Bangkok	CMP 6
		AWG-KP 16
	Bonn	AWG-LCA 14
		AWG-KP-16 (continued)
	Panama	AWG-LCA 14 (continued)
		AWG-KP-16 (continued)
	Durban	AWG-LCA 14 (continued)
		SB 35
		COP 17
		CMP 7
2012	Bonn	AWG-KP 17
		AWG-LCA 15
		First session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP-1)
		SB 36
	Bangkok	AWG-KP 17 (continued)
		AWG-LCA 15 (continued)
		ADP-1 (continued – informal meeting)
		AWG-KP 17 (continued)
	Doha	AWG-LCA 15 (continued)
		ADP 1 (continued)
		SB 37
		COP 18
		CMP 8

2013	Bonn	ADP 2-1
	Bonn	ADP 2-2
		SB 38
		ADP 2.2
	Warsaw	SB 39
		COP 19
		CMP 9
2014	Bonn	ADP 2-4
		ADP 2-5
	Bonn	SB 40
	Bonn	ADP 2-6
		ADP 2-7
	Lima	SB 41
		COP 20
2015		CMP 10
	Geneva	ADP 2-8
		ADP 2-9
	Bonn	SB 42
	Bonn	ADP 2-10
	Bonn	ADP 2-11
		ADP 2-12
		SB 43
	Paris	COP 21
		CMP 11

Negotiation framework

After the adoption of the Kyoto Protocol, technical discussions on climate change took place mainly under the auspices of two permanent bodies⁵⁸⁴, namely:

- **the Subsidiary Body for Implementation (SBI)**, mandated to advise the COP and CMP on improving the effective application of the Convention and the Kyoto Protocol;
- **the Subsidiary Body for Scientific and Technological Advice (SBSTA)** which advises the COP/CMP on scientific and technical issues involving them.
- In addition, as indicated above, two working groups worked to renew the Kyoto Protocol and to make the Bali Action Plan a reality from 2007 to 2012:

⁵⁸⁴. <http://unfccc.int/6241>

- **Ad Hoc Working Group on the further commitments for Annex B Parties under the Kyoto Protocol (AWG-KP)**⁵⁸⁵. This group was established in 2005 to facilitate the negotiations on the commitments of developed countries (Parties included in Annex I of the UNFCCC) for the second commitment period from 2013 to 2020. These negotiations covered new GHG emission reduction targets and how to achieve them, for example market mechanisms⁵⁸⁶.
- **Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA)**. The Dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention was initiated in 2005 during the Montreal Conference (COP 11). It aimed to enhance the implementation of the Convention, mainly by making it easier to analyse cooperation approaches in respect of sustainable development, adaptation and technological potential. At the end of this two-year dialogue uniting all the Parties to the Convention a new subsidiary body, the AWG-LCA, was created in Bali in December 2007⁵⁸⁷. Its mandate was to complete successfully, in two years, a process to enable the effective application of the Convention through long-term cooperation action.

The mandate of both these working groups, scheduled to end in Copenhagen in 2009, was extended until the Doha Conference (2012).

A new working group then took up the reins:

- **Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP)**⁵⁸⁸. Set up in Durban in 2011, the ADP started its work in 2012. Its mandate is to develop for 2015 a new protocol, another legal instrument or an agreed outcome with legal force by virtue of the Convention that will apply to all the Parties. This should enter into force in 2020. It was also tasked with studying measures to compensate for the lack of pre-2020 ambition level in terms of the 2°C objective.

The decision to create the Durban Platform marks the start of a new and significant chapter in the collective effort by Parties to combat climate change. In fact, after difficult discussions since Copenhagen in 2009, the Durban Platform opened a more inclusive climate regime transcending the traditional lines separating the so-called “developed” and “developing” countries.

Diagram 16 below summarises the main stages of the negotiations and the framework in which they took place up to the establishment of the Paris Agreement, in 2015.

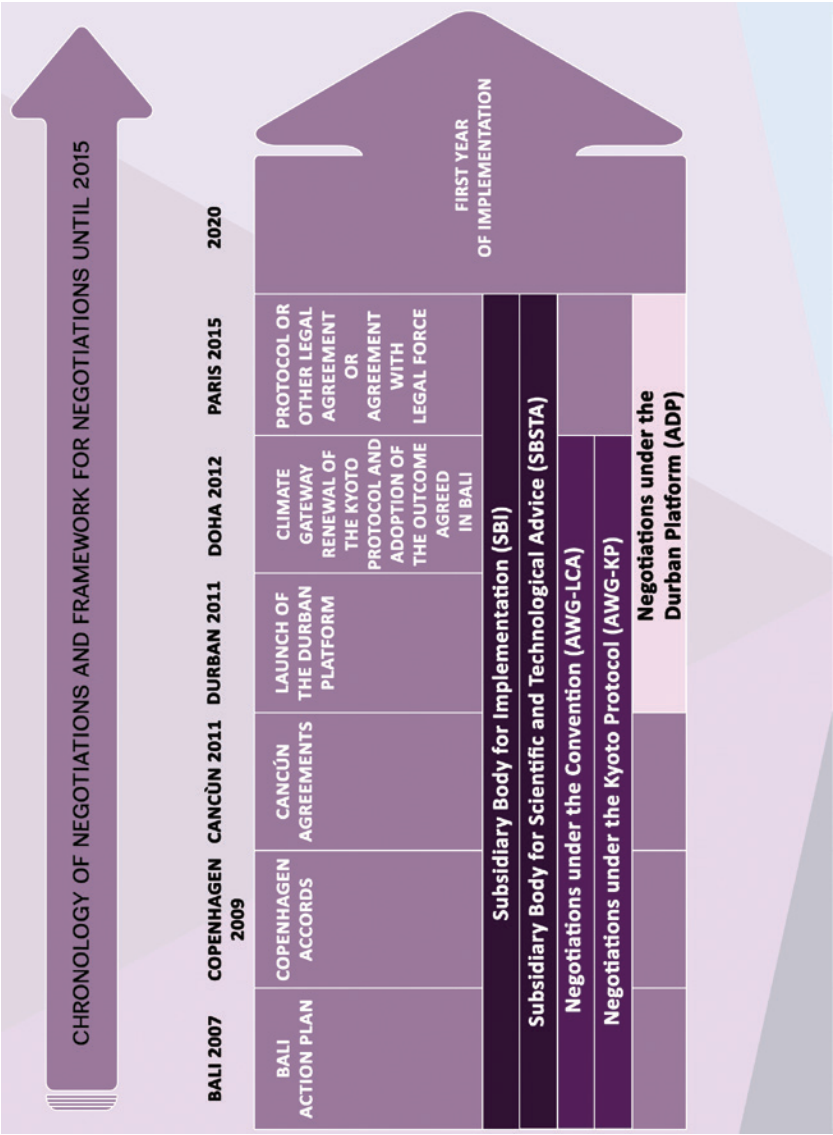
585. By virtue of Article 3.9 of the Kyoto Protocol, following Decision 1/CMP.1, Study of paragraph 9 of Article 3 of the Kyoto Protocol on the commitments of the Annex I Parties for the following periods

586. The Kyoto Protocol's Annex B is a list of Parties which have made quantified commitments to reducing or limiting GHG emissions

587. Decision 1/CP.13.

588. Decision 1/CP.17.

Diagram 16. Chronology of negotiations and framework for negotiations until 2015⁵⁸⁹



589. © ENERGIES 2050, October 2016

It should be noted that the Paris Agreement also mandates the permanent Subsidiary bodies (see *Part II. Issues of permanent subsidiary bodies*), making them the Agreement's Subsidiary bodies for implementation and scientific and technological advice. Article 18 provides that:

*“The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention shall serve, respectively, as the Subsidiary Body for Scientific and Technological Advice [see Section II.2] and the Subsidiary Body for Implementation [see Section II.1] of this Agreement. The provisions of the Convention relating to the functioning of these two bodies shall apply mutatis mutandis to this Agreement. Sessions of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement shall be held in conjunction with the meetings of, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention”*⁵⁹⁰.

And that through Decision 1/CP.21, paragraph 7, the Parties decide to establish the Ad Hoc Working Group on the Paris Agreement [see Section II.3]. it *“shall prepare for the entry into force of the Agreement and for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement”*⁵⁹¹ and *“shall hold its sessions starting in 2016 in conjunction with the sessions of the Convention subsidiary bodies and shall prepare draft decisions to be recommended through the Conference of the Parties to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for consideration and adoption at its first session”*⁵⁹².

History of the negotiations

Bali Action Plan (2007)

The widely-publicised COP 13 was held in Bali in a climate of citizen pressure. The delegates had the task of establishing a multilateral cooperation framework for the post-2012 period. Their efforts produced an agreement on a two-year roadmap – the Bali Action Plan⁵⁹³. This consists of a set of decisions emanating from the Dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention, initiated during the Montreal Conference (2005)⁵⁹⁴. The Bali Action Plan forms a coherent basis for negotiations with a view to adopting an “agreed outcome”, i.e. a climate regime commencing after 2012.

590. Decision 1/CP.21, Annex, Paris Agreement, Art. 18

591. Decision 1/CP.21, para. 8

592. Decision 1/CP.21, para. 8

593. Decision 1/CP.13.

594. Decision 1/CP.11.

A change in formulation was one of the most significant developments brought by the Bali Action Plan. For the first time, the terms “developed” and “developing” countries replaced the terms “Parties included in Annex I” and “non-Annex I Parties”. This innovation extended the perspective to new combinations and effort levels by the countries. Another major advance was the link established between the mitigation efforts of developing countries and the financial and technological support from developed countries.

The negotiation process opened up by the Bali Action Plan, that should have ended in 2009, only finally reached an end in 2012 in Doha. It is structured around four focal points:

- **Mitigation.** This issue was shown as one of the most thorny issues of COP 13. The United States, Canada and other Parties favoured tough language on developing countries’ actions and commitments; the Group of 77 and China (G77/China) sought greater emphasis on a discourse dealing more with the commitments of Annex I Parties, therefore of developed countries⁵⁹⁵. Lastly, both views were taken into account and the Parties agreed to examine the option of taking⁵⁹⁶:
 - For the developed countries: “measurable, reportable and verifiable nationally-appropriate mitigation commitments or initiatives, including quantified GHG emission limitation and reduction objectives”, taking into account differences in their national circumstances;
 - For the developing countries: “nationally appropriate mitigation actions (...) in the context of sustainable development, supported and enabled by technology, financing resources and capacity-building, in a measurable, reportable and verifiable manner”.
- **Adaptation.** It was decided to boost the action for adaptation to the adverse effects of climate change, mainly by examining international cooperation in order to achieve the urgent application of miscellaneous adaptation measures, given the immediate needs of particularly vulnerable developing countries, mainly the Least Developed Countries (LDC), the Small Island Developing States (SIDS) and the African countries⁵⁹⁷.
- **Technology development and transfer.** The Bali Action Plan provides for reflecting on effective mechanisms to eliminate the obstacles of access by developing country Parties to environmentally sound technologies at affordable cost and facilitate their roll-out⁵⁹⁸. The debates on these issues have mainly covered the financing of these technologies and the intellectual property rights. These issues are also discussed in other forums such as those of the World Trade Organisation (WTO).

595. IISD, 2007

596. Decision 1/CP.13, para. 1b.

597. Decision 1/CP.13, para. 1c.

598. Decision 1/CP.13, para. 1d.

- **Financing.** The mitigation measures of developing countries were linked for the first time in Bali to the financial and technological support provided by the developed countries. Financing is also envisaged to help developing countries to adapt to the adverse effects of climate change. The Bali Action Plan thus sets up the bases for the financial framework to support developing countries in their mitigation and adaptation efforts⁵⁹⁹.

Copenhagen Accord (2009)

The Copenhagen Conference (COP 15) was intended to endorse the main components of a post-2012 climate regime using two negotiating processes, firstly under the Kyoto Protocol (AWG-KP) and secondly under the Convention (AWG-LCA). But negotiations collapsed on this regime. Only a political agreement in the form of a high-level declaration by a few States could be reached during the COP 15, known as the **Copenhagen Accord**. A total of 114 Parties stated their affiliation to it⁶⁰⁰. Despite not being legally binding, a positive point is that the Copenhagen Accord includes the two principal GHG emitters, namely China and the United States.

The Accord underlines the political desire of States associated with it to address climate change in accordance with the principle of common but differentiated responsibilities and respective capabilities. Noted by the COP 15⁶⁰¹, the Copenhagen Accord clarifies certain aspects of the negotiations, like the long-term GHG emission reduction targets and financing. The developed countries set themselves the goal of assembling collectively 100 billion US dollars a year until 2020 to finance climate projects of developing countries. Lastly, this Accord served as the basis for negotiations leading to the Cancún Agreements.

Cancún Agreements (2010)

Despite the far more modest expectations than at the Copenhagen Conference, or perhaps because of it, the Cancún Conference resulted in a “balanced set” of decisions which the international community greeted with enthusiasm. The Cancún Agreements assembled the progress in Copenhagen into a formal agreement and sent a political signal to continue the discussions on the second commitment period of the Kyoto Protocol. The Parties associated themselves unanimously with this, with the exception of Bolivia.

The significant progress brought by the Cancún Agreements mainly consists of the formal creation of institutions, such as the Green Climate Fund (GCF), the Adaptation Committee and the Climate Technology Centre and Network (CTCN). Other progress made includes creating a register to facilitate support for Nationally

599. Decision 1/CP.13, para. 1e.

600. <http://unfccc.int/5262>.

601. Decision 2/CP.15.

Appropriate Mitigation Actions (NAMA) and the launch of the REDD+, which aims at Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD) and includes the role of conservation, durable forestry management and development of forest carbon stocks in developing countries (the “+” in REDD+).

They also provide for the preparation of National Adaptation Plans (NAP), mainly for the least developed countries⁶⁰².

Durban Platform (2011)

The Durban Conference (COP 17) launched the process for negotiating a unique agreement under the UNFCCC, with the creation of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP). This group has the mandate of implementing “*a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties*”, which should enter into force no later than 2020⁶⁰³. Also known as the Durban Platform, this process has made it possible to encourage long-term cooperation involving all the countries. It thus represents significant progress in the central question of whether the developed countries or the developing countries should make the effort. One of the goals of the Platform is “*ensuring the highest possible mitigation efforts by all Parties*”⁶⁰⁴.

This progress was not achieved without difficulty. Major greenhouse gas emitters – Canada, Russia and Japan – refused to commit to a second commitment period⁶⁰⁵, which provoked considerable controversy. However, by reaffirming the willingness of the Parties to reach agreement on a second commitment period under the Kyoto Protocol, the outcome of the Durban Conference was ultimately to strengthen trust between the Parties. It testifies to a universal political will to combat climate change with a constructive commitment by the most vulnerable countries and emerging countries. The initiative of China, which announced its willingness to commit to reducing its emissions from 2020 onwards under certain conditions, brought with it other emerging countries that have become major GHG emitters, such as Brazil and South Africa⁶⁰⁶.

Progress was also made at the Durban Conference on the topic of adaptation to climate change, with a framework and guidelines for the NAP created the previous year in Cancún⁶⁰⁷. These aim to build up the capacities of developing countries, mainly the least developed and the most vulnerable countries, in terms of assessing and reducing their vulnerability to the impacts of climate change.

602. Decision 1/CP.16, paras. 14-16

603. Decision 1/CP.17, paras. 2 and 4

604. Decision 1/CP.17, para. 7

605. Decision 1/CMP.7, Annex 1.

606. www.ips.org/TV/cop17/basics-make-small-steps-towards-emission-reduction-deal

607. Decision 5/CP.17.

The Doha Climate Gateway

The Doha Climate Gateway, at outcome snatched at the last minute on the last evening of the 2012 conference, refers to two major elements. Firstly, the adoption of the “Doha Amendment” to the Kyoto Protocol that records the second commitment period in it. This commenced on 1 January 2013 and will end on 31 December 2020. The countries are free to choose its date of entry into force, even if the Doha Decision encourages them to implement the second commitment period before ratifying it. The second element in the Doha Climate Gateway is the conclusion of negotiations under the Bali Action Plan of 2007. In Doha, the Parties finally disbanded the AWG-KP and AWG-LCA, whose mandates had been extended for several years.

The Doha Conference (COP 18) therefore allowed a certain streamlining of the UNFCCC negotiation process. The ADP, SBI and SBSTA henceforth form the only three negotiation groups, compared with the five that existed in 2012. The Doha Decision reaffirms the ambition to adopt “*a protocol, another legal instrument or an agreed outcome with legal force*” by 2015. It also provides for a negotiation text to be available before May 2015. Other major progress made at the COP 18 was the consideration of loss and damage suffered in the developing countries which are particularly vulnerable to the adverse effects of climate change. It thus sets up an institutional mechanism for dealing with loss and damage.

Warsaw Conference (2013)

Although the Warsaw Conference (COP 19) proved disappointing in terms of climate urgency, it nevertheless produced a series of decisions which map out the route towards the Paris Conference. One of its advances was to clarify further the modalities for preparing the draft negotiation text for 2015 and for the submission process for the Intended Nationally Determined Contributions (INDC) of the Parties to the UNFCCC⁶⁰⁸. The INDC indicate the voluntary efforts of countries in terms of climate change that could be included in the 2015 agreement. The term “contributions” adopted finally achieved consensus in the final minutes of the Warsaw negotiations. It nevertheless leaves major issues hanging – differentiation between the countries based on their different levels of development and financial support, technology transfer and capacity-building.

In addition, the Parties were invited in Warsaw to intensify their efforts to reduce the ambition gap for the pre-2020 period, by cancelling, for example, the certified emission reductions (CER)⁶⁰⁹.

The agreement on the Climate Technology Centre and Network (CTCN) rules, which signals its operationalisation, and on the Warsaw International Mechanism for Loss and Damage was a positive signal towards the implementation of

608. Decision 1/CP.19.

609. Decision 1/CP.19, para. 5c.

the Cancún Agreements and the Durban and Doha decisions. REDD+ was also the subject of numerous decisions of a technical nature, which now form the “*Warsaw Framework for REDD+*”. In addition, pledges for finance amounting to almost 280 million US dollars were announced in Warsaw for the REDD+. A sum in total contrast to the sum the GCF could count on in December 2013, which was no more than 6.9 million US dollars. This figure greatly fuelled the loss of confidence among developed and developing countries, who deplored the 71% decrease in financing of climate-related activities in 2013⁶¹⁰. To remedy this, a high-level ministerial dialogue on climate finance was established in Warsaw, with meetings planned every two years until 2020. Directives for the Green Climate Fund were also adopted to make it more operational⁶¹¹.

Lima Call for Climate Action and the road to Paris (2014)

On the final straight to Paris, the Lima Conference (COP 20) capitalised on the outcomes of previous Conferences of the Parties and managed to lay the bases for the future agreement of 2015. After extended negotiations, the Parties adopted in December 2014 “the Lima Call for Climate Action”, which contains especially in its annex a draft version of the future Paris agreement⁶¹². It also states that this should give balanced consideration to six issues: mitigation, adaptation, financing, development and transfer of technologies, capacity-building and transparency of measures and support.

The Lima Call also includes a decision about the INDC. This sets out their scope, the data they can contain, the submission methods and measures to be taken by the Secretariat⁶¹³. The Parties are invited especially to include elements on adaptation and implementation resources. Lastly, they are asked to specify the reason why they believe their efforts to be *fair and ambitious*⁶¹⁴.

The Parties also adopted a set of decisions under the COP and the tenth Conference of the Parties acting as a Meeting of the Parties to the Kyoto Protocol (CMP 10) that was held at the same time. These contribute among other things to the operationalisation of the Warsaw International Mechanism for Loss and Damage. They establish the Lima work programme regarding gender⁶¹⁵, with results scheduled for review during the COP 22 in 2016. The Lima Ministerial Declaration on education and awareness-raising was also adopted during the COP 20⁶¹⁶. This aims to raise the awareness of children and the general public to the effects of climate change and encourage them to change their behaviour.

610. IISD, 2013, p. 31

611. Decision 4/CP.19.

612. Decision 1/CP.20, Annex

613. Decision 1/CP.20, paras. 9-16

614. Decision 1/CP.20, para. 14

615. Decision 18/CP.20.

616. Decision 19/CP.20.

Progress on adaptation remained modest in Lima. Although many countries sought revised guidelines for the National Adaptation Plans (NAP), the Conference of the Parties saw no need for the review⁶¹⁷. In addition, the COP expressed its concern in Lima over the lack of funds to meet the needs of the LDC, and notably the deficit in the LDC Fund and the Special Climate Change Fund (SCCF), which could support the NAP formulation and implementation process⁶¹⁸.

In addition, the Parties held a first annual high-level ministerial meeting aimed at reinforcing the implementation of measures identified under the work of Work stream 2 relating to the commitments for the pre-2020 period. In terms of financing, the Parties also held their first biennial ministerial meeting relating to the work programme on long term financing. Lastly, the first biennial reports and sixth national communications were assessed under the auspices of the SBI for the first time in Lima, with the assessment of seventeen countries.

The Paris Agreement, adoption of the first universal Climate agreement (2014)

During COP 21, in Paris, the Parties adopted what would become the first universal legally binding climate agreement, bringing together all Parties to the UNFCCC.

The Paris Agreement and Decision 1/CP.21, which are aimed at operationalising it, enabled real progress to be made with regard to global issues. In addition to including all the Parties to the UNFCCC, a certain number of issues were reaffirmed and/or confirmed, such as mitigation and market mechanisms, and also adaptation, loss and damage, financing, technology transfer, capacity-building, and the recognition of the role and necessary involvement of all players in combating global warming, and all this through the prism of monitoring implementation and transparency, with a view to achieving the targets.

At the end of COP 21, the Parties agreed to implement a real long-term programme, a particular feature of which is the target set of limiting the global temperature increase to 2°C ("well below 2°C"), and even to 1.5°C, above pre-industrial levels by the end of the century,

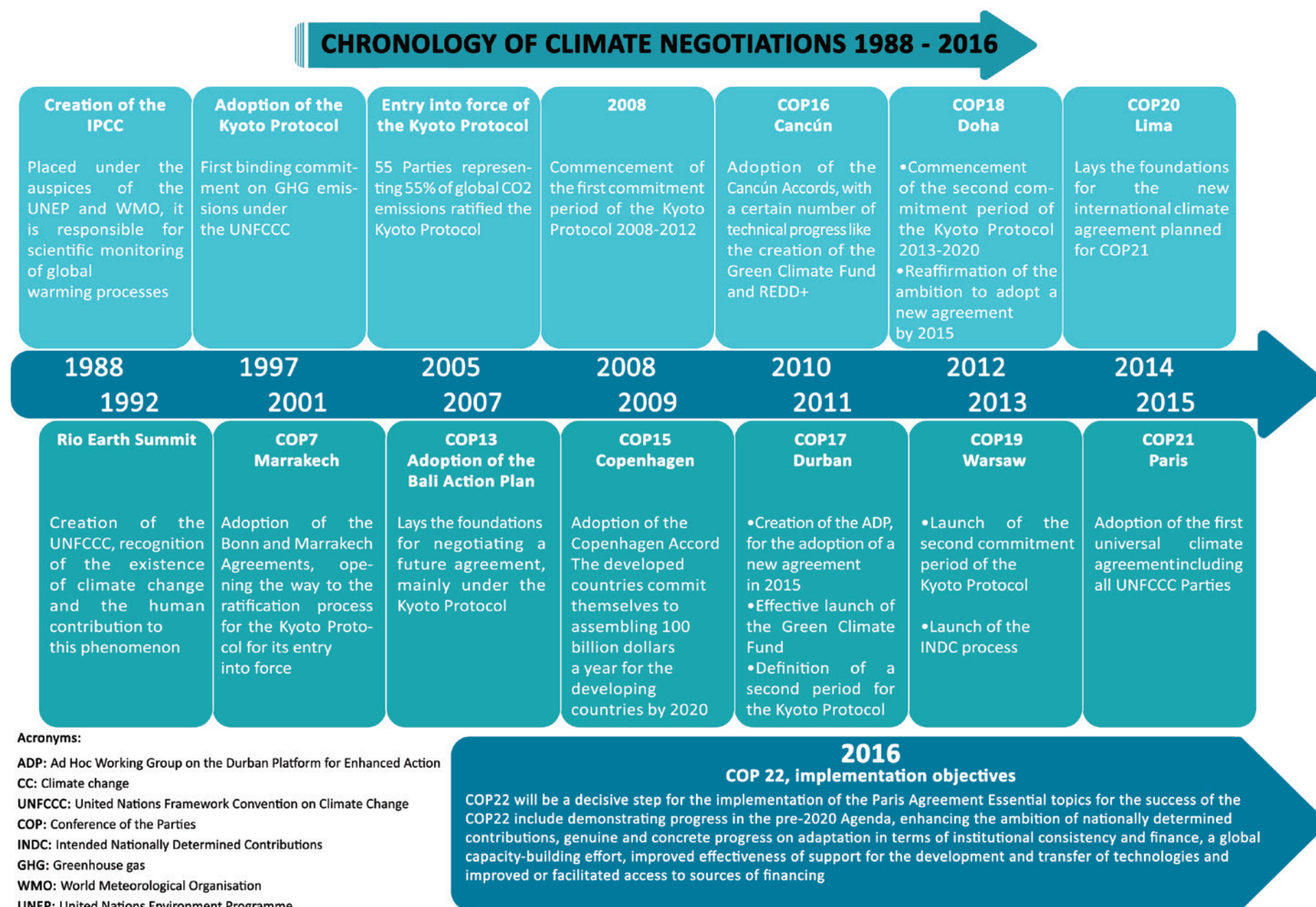
The principles of equity, common but differentiated responsibilities and respective capacities were reaffirmed, in accordance with the founding principles of the Convention.

The next stage is implementation, which will be at the centre of COP 22 in Marrakesh.

617. <http://www4.unfccc.int/nap/sitepages/Home.aspx>.

618. Decisions 3, 4 and 8/CP.20

Diagram 17. Chronology of climate negotiations from 1988 to 2016⁶¹⁹



619. © ENERGIES 2050, October 2016

A.4 Themed sheets

Sheet 1. United Nations Framework Convention on Climate Change (UNFCCC)

Date of entry into force: 21 March 1994

Ratification status: 197 Parties⁶²⁰, including the European Union (EU)⁶²¹

Supreme decision-making body: Conference of the Parties (COP)

Main objective [Article 2]: “[...] *stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.*”

UNFCCC Annexes:

Annex I – List of 41 Parties, including the EEC⁶²²; developed countries and countries with economies in transition⁶²³;

Annex II – List of 24 Parties, including the EEC⁶²⁴; wealthiest developed countries⁶²⁵.

Commitment of the Parties:

All Parties: for example, prepare a national greenhouse gas emission inventory, implement mitigation programmes and adaptation actions, offer cooperative support in technological research and dissemination and facilitate the education and awareness of the general public (Article 4.1).

Annex I Parties: mainly, implement national policies to mitigate climate change and weaken emissions in the long term (Article 4.2).

Annex II Parties: support developing countries financially and technically, mainly by helping to prepare their national communications, to ease their adaptation to climate change and encourage access to technologies (Articles 4.3, 4.4 and 4.5).

Link to the Convention site: www.unfccc.int

Link to the Convention text: www.unfccc.int/resource/docs/convkp/convfr.pdf

620. As at 5 October 2016 [online] <http://unfccc.int/2631>

621. The European Union signed the Convention whilst it was still the European Economic Community (EEC).

622. EU Today

623. <http://unfccc.int/2774>.

624. EU Today

625. Originally 25, but Turkey was deleted from Annex II by an amendment that entered into force on 28 June 2002, in accordance with Decision 26/CP.7

Sheet 2. Kyoto Protocol

Date of entry into force: 16 February 2005.

Ratification status of the Kyoto Protocol: 192 Parties⁶²⁶, including the EU⁶²⁷; four Parties to the Convention have not ratified the Kyoto Protocol.

Ratification status of the Doha Amendment to the Kyoto Protocol: Eighteen Parties (as at 30 September 2014).

Supreme decision-making body: Conference of Parties acting as a meeting of Parties to the Kyoto Protocol (CMP).

Main objective: instigate quantified and legally-binding targets for limiting and reducing greenhouse gas emissions to boost the UNFCCC.

Protocol Annexes:

Annex A: List of the six greenhouse gases targeted by the Kyoto Protocol: carbon dioxide (CO₂), methane (CH₄), dinitrogen oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC) and sulphur hexafluoride (SF₆).

Annex B: List of 39 Parties, included the EEC⁶²⁸: developed countries and countries with economies in transition which have made quantified commitments to reducing or limiting greenhouse gas emissions.

Commitment of the Parties:

Annex B Parties

Limit or reduce by 5.2% the quantity of GHG emissions compared with 1990 emissions, except countries with economies in transition, which can choose a reference year other than 1990⁶²⁹;

Implement national or regional policies and measures to fulfil compliance with quantified commitments to limit and reduce greenhouse gases (Articles 2 and 4). The Parties can fulfil their commitments through domestic measures and flexibility mechanisms;

Publish an initial report giving the information required to implement the commitments, especially for the accounting of assigned amounts (Article 7);

Publish a report demonstrating the progress made in achieving commitments (Articles 3 and 7); and

626. As at 5 October 2016 [online] http://unfccc.int/kyoto_protocol/status_of_ratification/items/2613.php

627. The European Union (EU) signed the Protocol whilst it was still the European Economic Community (EEC).

628. EU Today

629. Article 3 para. 5 of the Kyoto Protocol.

Set up a national emissions inventory system based on methodologies approved by the Intergovernmental Panel on Climate Change (IPCC) (Article 5);

All Parties

Prepare programmes to establish the national inventory of greenhouse gas emissions, to mitigate and facilitate the adaptation to climate change, cooperate to support technology transfer, research and education and present in their national communications information on the actions undertaken to combat climate change (Article 10);

Parties included in Annex II of the UNFCCC

Finance developing countries, mainly to help them set in place their national emissions inventory and encourage technology transfer (Article 11).

Doha amendment:

The second period of commitment of the Kyoto Protocol was adopted at CMP 8⁶³⁰ under the title “Doha Amendment” It commenced on 1 January 2013 and will end on 31 December 2020⁶³¹. Thus this period will last eight years and not five years as for the first period. Regarding its effective date, although the Doha Decision encourages countries to implement the second commitment period before the countries ratify it, the countries are free to choose from what date they will enforce it.

Link to the Protocol text: www.unfccc.int/resource/docs/convkp/kpfrench.pdf.

Link to the text of the Amendment to the Kyoto Protocol according to paragraph 9 of Article 3 (Doha Amendment) for the second period of commitment: <http://unfccc.int/resource/docs/2012/cmp8/fre/13a01f.pdf>.

630. Eighth Conference of Parties acting as a Meeting of Parties to the Kyoto Protocol.
631. Decision 1/CMP.8.

Sheet 3. The Durban Platform

Context: The Conference of the Parties in Durban in 2011 provided a new opportunity to discuss the structure of the climate regime pre- and post-2020. Although the 2011 Durban Conference did not result in the adoption of the agreed outcome that the Bali Action Plan provided for, the Conference did give the mandate required to negotiate a single agreement under the auspices of the UNFCCC, with the creation of an Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP).

Supreme decision-making body: New subsidiary body called the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP)⁶³². This new working group commenced its work in 2012.

Objectives:

“Prepare a protocol, another legal instrument or an agreed outcome with legal force, applicable to all the Parties” – or “2015 agreement”, which had to be adopted by the COP 21 in Paris in 2015 and should enter into force no later than 2020;

Identify and explore the options to raise the ambition levels in line with the conclusions of the 5th Report of the Intergovernmental Panel on Climate Change (IPCC);

Prepare its work plan, including the mitigation, adaptation, financing, development and transfer of technologies, transparency of measures, support and capacity building.

Link to the Durban Platform text: <http://unfccc.int/resource/docs/2011/cop17/fre/09a01f.pdf>

632. Decision 1/CP.17.

Sheet 4. UNFCC structure and role of the main decision-making bodies

The **Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP)**⁶³³ commenced its mandate in 2012 and aims *“to prepare a protocol, another legal instrument or an agreed outcome with legal force, applicable to all the Parties”* for 2015 which should enter into force in 2020.

The **Conference of the Parties (COP)**, the highest authority of the Convention, brings together those countries which, by signing and ratifying the United Nations Framework Convention on Climate Change (UNFCCC), have become Parties to this Convention. As such, the COP aims to implement the ultimate Convention objective.

The **Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP)** is a totally separate legal entity from the COP and is the supreme decision-making body of the Kyoto Protocol. The CMP includes the sub-group of Parties to the Convention which have ratified the Kyoto Protocol. The Parties to the Protocol alone have the right to participate in decisions made by the CMP.

The **Bureau of the COP** and the **Bureau of the CMP** administer the intergovernmental process for the COP and for the CMP.

The **UNFCCC Secretariat** coordinates and organises the meetings of the various bodies and provides technical expertise.

The **Global Environment Facility (GEF)** and the **Intergovernmental Panel on Climate Change (IPCC)** are two partner organisations of the UNFCCC and play a key role in the process. The GEF has been in existence since 1991 and was named as the entity responsible for administering UNFCCC funds earmarked to help developing countries. The IPCC helps establish the scientific base by publishing climate change assessment reports every five years and specialist studies on specific topics.

633. Decision 1/CP.17.

Sheet 5. Basic information on the Kyoto Protocol flexibility mechanisms

To allow Annex B countries a certain flexibility and lower the cost of reducing GHG emissions, three market mechanisms were included in the Kyoto Protocol: joint implementation (JI), the clean development mechanism (CDM) and emissions trading.

Joint implementation (JI)

Under JI, two Annex I Parties can trade emission reduction units (ERU) from projects to reduce GHG emissions or to build up the carbon sinks⁶³⁴. There are two tracks for participating in the JI projects⁶³⁵, depending on whether a Party satisfies or does not satisfy all the eligibility criteria, mainly involving the holding of a national inventory:

Track 1 applies if both Parties comply with all the criteria. In this case, State negotiates with State and the credits (ERU) are subtracted from the number of assigned amount units (AAU) granted initially to the country hosting the project.

Track 2 applies if one Party does not comply fully with all the criteria. The project then proceeds under the same process as the one set up for the CDM. An independent auditor must validate the project and satisfy himself as to the number of GHG emissions actually avoided. The allocation of credits (ERU) generated by the project is governed by the JI Supervisory Committee.

The JI Supervisory Committee operates under the authority of the CMP. It is responsible for checking the reductions in GHG emissions coming from JI projects carried out under Track 2 and must also account for these activities in an annual report submitted to the CMP⁶³⁶. During CMP-2, the Parties adopted the internal regulations of the Supervisory Committee and the forms for the description of the JI project as proposed by the Supervisory Committee in its annual report. In addition, in respect of guidelines, the Parties decided to adjust the thresholds for small JI projects in line with the revised thresholds for small-scale projects under the CDM⁶³⁷.

Clean development mechanism (CDM)

The CDM allows an Annex I Party to obtain certified emission reductions (CER) by performing projects to reduce GHG emissions or build up the carbon sinks in the territory of a non-Annex I Party⁶³⁸.

634. By virtue of Article 6 of the Kyoto Protocol

635. Decision 9/CMP.1.

636. *Ibid.*

637. The thresholds for activities of small-scale projects under the CDM were revised in Decision 1/CMP.2

638. By virtue of Article 12 of the Kyoto Protocol

To be eligible for the CMD, a project must meet the principle of additionality, i.e. it must lead to a reduction in GHG emissions which would not have occurred without it. A “baseline scenario” – a business-as-usual situation – has to be defined, therefore, so that the additionality of a project can be assessed. The CER calculation must also take account of leaks, i.e. the net variation in GHG emissions produced outside the scope of a project, but which is nevertheless attributable to the project⁶³⁹.

The procedures and rules governing the CDM were laid out in the Kyoto Protocol before being defined more precisely by the Marrakesh Accords at the COP-7 in 2001. The CDM Executive Board is the body responsible for supervising the CDM and must submit recommendations to the CPM⁶⁴⁰. For this purpose, it submits an annual report containing information on the progress made from Executive Board actions for the implementation and correct operation of the CDM.

GHG emission trading (and emission trading systems)

GHG emission trading, as a Kyoto Protocol flexibility mechanism, provides for GHG emission trading by the national governments of Annex B Parties between themselves in order to achieve their mitigation targets more easily. Following a market logic, a country can choose to reduce its own GHG emissions or purchase some from elsewhere. The GHG emissions are therefore reduced where they cost the least, which makes the reduction efforts all the more effective.

The three flexibility mechanisms of the Kyoto Protocol form “emission trading systems”. These systems, which together form the carbon market, have seen major expansion, although this has slowed in recent years, mainly because of the economic recession and the lack of demand for carbon credits. The carbon market is made up of regulated and voluntary market systems:

the *regulated market* has come about thanks to “cap-and-trade systems”, the result of national, regional or international regulations;

the *voluntary market* results from speculation in the value of reduction credits or the demand by consumers or companies that want to offset their GHG emissions.

The so-called “voluntary” market runs on the fringes of the regulated market. It does not rely on the legal obligations of participating entities to generate the demand. Purchasers of reduction credits are either speculators anticipating an increase in the value of credits in the future or businesses seeking to comply with voluntary commitments or businesses and consumers wishing to offset their GHG emissions.

The global market is also compartmentalised over and beyond the division between the regulated market and the voluntary market, due to the fact that the cap-and-trade systems are not fungible. Indeed, each market is virtually independent. The prices of different carbon units vary according to supply and demand in the various market segments.

639. Decision 3/CMP.1.

640. Decision 17/CP.7.

Table 8. Kyoto Protocol flexibility mechanisms

Mechanism	Parties involved	Transaction unit		Description
Emissions trading (Article 17)	Between the Annex B Parties	AAU	Assigned Amount Unit	Allocation of AAU based on the GHG emission reduction objective published in Annex B and market trading.
		RMU	Removal Unit	Allocation of the RMU based on Land Use, Land Use Changes and Forestry (LULUCF) for the sequestration of GHG and trading within a market system.
Joint implementation (JI) (Article 6)	Between the Parties included in Annex I	ERU	Emission Reduction Unit	Issuing of an ERU to finance an activity to reduce GHG emissions in another Annex I Party, in the 2008-2012 period.
Clean development mechanism (CDM) (Article 12)	Between an Annex I Party and a non-Annex I Party.	CER	Certified Emission Reduction	Issuing of a CER to finance a project to reduce GHG emissions in a non-Annex I Party, in the 2008-2012 period.
		tCER	Temporary CER	Issuing of a tCER, valid until the end of a given commitment period, for an afforestation and reforestation activity under the CDM.
		ICER	Long-term CER	Issuing of an ICER, valid until the end of a given commitment period, for a reforestation activity under the CDM.

Sheet 6. Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC)

The IPCC was created in 1988 to provide policymakers with regular assessments of the climate situation, in order to understand better changes in the climate, the risk and consequences of climate change and any adaptation and mitigation strategies. Since 1990, the IPCC has been publishing every five to six years an Assessment Report of the climate made up of observations from three working groups. The first group takes an inventory of scientific research into changes in the climate. The second assesses the consequences of climate upheavals in miscellaneous sectors and attempts to propose adaptation solutions. The third covers the mitigation of the effects of human activity on the climate.

The Fifth IPCC Assessment Report, published in 2013 and 2014, represents the most comprehensive assessment to date and is based on several thousand scientific and archived climate studies⁶⁴¹. Its observations are based on more efficient systems than previously, enabling more in-depth understanding and analyses than in previous reports.

Working group I: The physical science basis (published in September 2013)⁶⁴²

This section presents the major observations with a higher level of confidence than the previous reports, mainly in terms of the role of human activities in climate change. Thus, *“It is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century”*⁶⁴³. Note that these observations depend on four different mitigation scenarios (Representation Concentration Pathways – RCP). The four RCP contain *“one mitigation scenario leading to a very low forcing level (RCP2.6), two stabilisation scenarios (RCP4.5 and RCP6) and one scenario with very high greenhouse gas emissions (RCP8.5)”*⁶⁴⁴.

Other key observations include⁶⁴⁵:

*“Warming of the climate system is **unequivocal**”.*

*“Since the 1950s, **many of the observed changes are unprecedented** over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased”*

“Human influence on the climate system is clear. This is evident from the increasing greenhouse gas concentrations in the atmosphere, positive radiative forcing⁶⁴⁶, observed warming and understanding of the climate system”.

641. 5th IPCC Assessment Report: www.ipcc.ch/report/ar5/

642. First working group: www.climatechange2013.org

643. www.climatechange2013.org/images/report/WG1AR5_SPM_brochure_fr.pdf

644. www.climatechange2013.org/images/report/WG1AR5_SPM_brochure_fr.pdf

645. www.climatechange2013.org/images/uploads/ar5_wg1_headlines_fr.pdf

646. Radiative forcing is *“the change in energy flux caused by a driver and is calculated at the tropopause or at the top of the atmosphere”*. The surface will be warmed when the radiative forcing is positive See: www.climatechange2013.org/images/report/WG1AR5_SPM_brochure_fr.pdf

“New GHG emissions will imply continued warming”.

*“Limiting climate change will require **substantial and sustained reductions of greenhouse gas emissions**”.*

*“Global surface temperature change for the end of the 21st century is **likely to exceed 1.5°C** relative to 1850 to 1900 for all RCP scenarios except the most ambitious⁶⁴⁷”.*

“It is likely to exceed 2°C” according to the mitigation scenarios where the radiative forcing has not reached its maximum towards 2100.

In all the envisaged mitigation scenarios, except for the most ambitious, *“warming will continue beyond 2100”.*

“Most aspects of climate change will persist for many centuries even if emissions of CO₂ are stopped”.

Working group II: Impacts, Adaptation, and Vulnerability (published in March 2014)⁶⁴⁸

This section reviews the potential and adaptation limits to climate change by taking into account impacts noted and future risks of climate change along with the vulnerability of human and natural systems. It emphasises the possible risks of climate change and the principles to be followed for efficient adaptation. It includes a regional atlas that underlines the observations for each continent. The main global observations include⁶⁴⁹:

“Increasing magnitudes of warming increase the likelihood of severe, pervasive, and irreversible impacts”

Changes in climate have already caused “*impacts on natural and human systems on all continents and across the oceans*”. Evidence of these impacts has increased since the last IPCC Assessment Report.

Without sufficient mitigation, these changes pose **huge risks for human health, food security and economic development**.

The impacts of recent extreme climate events *“highlight the **serious vulnerability and exposure**”* of certain natural and human systems to the current climate variability, whilst major uncertainties exist over responses to these systems in the future.

With **rising sea levels**, the world’s coastal communities *“will increasingly experience adverse impacts such as submergence, coastal flooding and coastal erosion”*.

647. The mitigation scenarios used by IPCC are called *Representation Concentration Pathways* (RCP). The four RCP contain one mitigation scenario leading to a very low forcing level (RCP2.6), two stabilisation scenarios (RCP4.5 and RCP6) and one scenario with very high greenhouse gas emissions (RCP8.5). The RCP can therefore represent a whole range of climate policies for the 21st century. See: www.climatechange2013.org/images/report/WG1AR5_SPM_brochure_fr.pdf

648. Second working group: www.climatechange2014.org

649. http://ipcc-wg2.gov/AR5/images/uploads/WG2AR5_SPM_FINAL.pdf; see also the French (unofficial) translation: http://www.developpement-durable.gouv.fr/IMG/pdf/ONERC_Resume_decideurs_vol2_AR5_fr_non_officielle_V3_Figures.pdf

An increasing number of land and fresh water species worldwide face a **high risk of extinction**.

Immediate mitigation measures are essential to avoid hazardous climate change; early action will earn more time for us to adapt to the impacts.

Adaptation measures are also essential, but there are limits and **some risks will be inevitable**.

*“Many key risks constitute **particular challenges for the least developed countries** [...], given their limited ability to cope”.*

This report notes that adaptation is starting to be incorporated in certain scheduling processes and that adaptation experience is accumulating in all regions.

Working group III: Mitigation of Climate Change (published in April 2014)⁶⁵⁰

This section is linked to the global UNFCCC goal⁶⁵¹. It presents the changes in GHG emissions up to the present day and possible trajectories until 2100 using different mitigation scenarios. It assesses the cross-cutting and sectoral mitigation measures, the needs of such measures and the climate finance issues. The key observations of this section include⁶⁵²:

Despite a growing number of mitigation policies, total anthropogenic GHG emissions *“were the highest in human history from 2000 to 2010”*.

*“About half of cumulative anthropogenic CO₂ emissions between 1750 and 2010 have occurred in the **last forty years**”.*

*“**Economic and population growth** continue to be the most important drivers of increases in carbon dioxide emissions from fossil fuel combustion”.*

*“Mitigation scenarios in which it is likely that the temperature change caused by anthropogenic GHG emissions can be kept to less than 2 °C relative to pre-industrial levels are characterised by **atmospheric concentrations in 2100 of about 450 ppm CO₂eq**”* (compared with 396 ppm in 2013 globally⁶⁵³). These scenarios require a large-scale transition in the power supply sector, which is currently a major source of GHG emissions.

*“Baseline scenarios, those without additional mitigation, results in **global mean surface temperature increases in 2100 from 3.7°C to 4.8 °C** compared with pre-industrial levels”.*

650. Third working group: www.mitigation2014.org

651. Convention objective (Art. 2): *“stabilisation, in accordance with the relevant provisions of the Convention, of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”*.

652. http://report.mitigation2014.org/spm/ipcc_wg3_ar5_summary-for-policymakers_approved.pdf; also see the (unofficial) French translation: http://www.developpement-durable.gouv.fr/IMG/pdf/ONERC_Resume_decideurs_vol3_AR5_fr_non_officielle_V3.pdf

653. WMO: https://www.wmo.int/pages/mediacentre/press_releases/documents/1002_GHG_Bulletin.pdf

International cooperation is required to reduce the GHG emissions effectively along with **new forms of investment**.

*“Within appropriate enabling environments, **the private sector**, along with the public sector, can play an important role in financing mitigation”.*

Synthesis Report⁶⁵⁴

This report for policymakers incorporates and summarises the observations of the three working groups and two special reports on renewable energy (2011) and extreme event risk management (2012).

654. <http://www.ipcc-syr.nl>

Sheet 7. Thematic glossary

Additionality	Characterises the GHG emission reductions generated by the compensatory projects must be greater than the emissions which would have occurred without these projects. The goal of environmental additionality is to demonstrate that a project produces actual, measurable, additional and long-term GHG reductions.
Adaptation	Ability of a system to adjust its mechanisms, processes and structure to climate change. Adaptation can be spontaneous or planned; it can occur in response to or in advance of a change in conditions.
Hot air “Hot Air”	Due to their industrial recession in the 1990s, certain Annex B countries to the Kyoto Protocol (like Russia and Ukraine) received higher emission limitation targets than their total amount of emissions without taking any measures for domestic reduction. This quota surplus (hot air) could potentially be sold to other countries via flexibility mechanisms.
Improvement in greenhouse gas removals	Calculated improvement of greenhouse gas removals between a baseline scenario and a project. The removal designates the penetration of greenhouse gases in a living organism that assimilates these gases, thereby allowing the disappearance of the removed greenhouse gases.
Annex I	Annex I is attached to the United Nations Framework on Climate Change. It quotes forty developed countries and countries with economies in transition that have made commitments to stabilise the greenhouse gas emissions at 1990 levels.
Annex II	Annex II is attached to the United Nations Framework on Climate Change. It identifies 24 developed countries (including in Annex I) that have agreed to provide financial and technological aid to developing countries to combat climate change.
Annex B	Annex B is attached to the Kyoto Protocol. It identifies 38 developed countries and countries with economies in transition that have made commitments to limit or reduce greenhouse gas emissions during the period 2008-2012.
Anthropogenic	Greenhouse gas emissions caused by human activities are called anthropogenic when they do not come from natural emissions. These are additional emissions which can be considered as pollution.
Mitigation	Human intervention to reduce the sources of greenhouse gases or reinforce the sinks of greenhouse gases, either by extending the surface area or by improving their removal capacity.
Afforestation	Action of planting trees on land that has had no forest cover for a certain number of years.
Carbon dioxide capture and storage	The process of increasing the carbon content of a carbon reservoir other than the atmosphere. This process designates the separation of CO ₂ from flue gases or from processing fossil fuels to produce CO ₂ -rich fractions and long-term storage underground in exhausted oil and gas reservoirs, coal seams and saline aquifers.

Carbon neutrality	Objective of no longer emitting GHG, or more realistically, action of investing in one or more projects that will avoid producing an equivalent quantity of GHG than generated by the entity seeking carbon neutrality.
Climate change	Climate variations that are attributed directly or indirectly to human activities, altering the composition of the atmosphere, and which are added to the natural variability of the climate note during comparable periods.
Fossil fuel	Natural gas, petroleum, coal or any solid, liquid or gaseous fuel derived from these materials.
Supplementarity	In the context of the UNFCCC, supplementarity refers to the option available to the Parties to the Kyoto Protocol to introduce, in addition to the Kyoto mechanisms, suitable domestic policies, energy-related or otherwise, to fulfil the GHG emission reduction objectives in the long term.
Compliance	Obligation whereby the emitter is required to comply with his objectives of GHG emission reductions. The verification of compliance with the commitments and mandatory objectives is an essential factor in a mandatory emission reduction system. Compliance includes the verification modalities, the organisation responsible for verifying the compliance and the possible sanctions. Synonym: obligation compliance
Business as usual	Greenhouse gases resulting from general trends in an economy with no emission control policy. This reference is used to estimate the effectiveness of policies and measures undertaken to combat greenhouse gas emissions.
Compensatory credits	Emission rights representing a tonne of sequestered or removed equivalent CO ₂ , given to the promoter of a compensatory credit project to reduce GHG emissions.
Woodland clearance	Conversion of forest to non-forest. Synonym: Deforestation
Emission right	Any emission right symbolises the reduction of GHG emissions by one metric tonne of equivalent carbon dioxide, i.e. an emission unit, an emission quota or a compensatory credit. These rights can be traded inside international or national carbon trading systems.
Greenhouse gas emission	Total mass of a GHG which is released into the atmosphere during a given period.
CO₂ equivalent	The concentration of carbon dioxide (CO ₂) that would cause the same amount of radiative forcing as a given mixture of CO ₂ and other greenhouse gases. NOTE 1: The CO ₂ equivalent is calculated using the mass of a given GHG multiplied by its global warming potential. NOTE 2: Annex B lists global warming potentials established by the Intergovernmental Panel on Climate Change.
Greenhouse gas emission or removal factor	Factor reporting the activity data on the GHG emissions or absorption. NOTE: A greenhouse gas emission or removal factor can include an oxidation factor.

Fungibility	Quality of what is consumed through use and which can be replaced by other similar products. In the context of the carbon market, fungibility makes no distinction between the categories of units and considers them all identical (one AAU would therefore be equivalent to a JI project unit and also to a unit resulting from an internal measurement of energy efficiency).
Carbon leakage	Part of GHG emission reductions in Annex B countries that may be offset by an increase in emissions in non-constrained countries above their baseline levels. This can occur through (i) relocation of energy-intensive production units in non-constrained regions; (ii) increased consumption of fossil fuels in these regions through decline in the international price of oil and gas triggered by lower demand for these energies; and (iii) changes in revenues (thus in energy demand) due to improved economic conditions. NOTE: The term also refers to the situation in which a carbon capture activity (tree planting, for example) on one piece of land inadvertently, directly or indirectly, triggers an activity, which in whole or part, counteracts the carbon effects of the initial activity.
Greenhouse gases (GHG)	Gaseous constituents of the atmosphere, both natural and anthropogenic, that remove and re-emit the infrared radiation. They help maintain the heat in the Earth's atmosphere. These gases are produced by both natural and anthropogenic processes. The main gases are water vapour, carbon dioxide (CO ₂), methane (CH ₄), dinitrogen oxide (N ₂ O), the chlorofluorocarbons, hydrofluorocarbons (HFC), nitrogen trifluoride (NF ₃), perfluorocarbons (PFC) and sulphur hexafluoride (SF ₆).
Energy intensity	Ratio of energy consumption to economic or physical output. At the national level, energy intensity is the ratio of total domestic consumption or final energy consumption to Gross Domestic Product or physical output.
GHG inventory	Assessment that measures the GHG emissions from activities of an entity (country, business, municipality, etc.). This assessment is calculated in relation to a reference year.
Carbon market	Name for a group of greenhouse gas emissions trading and transaction mechanisms. The carbon market designates both the voluntary market for the voluntary compensation of GHG emissions and the regulated markets that make the regulated emitters compliant.
Voluntary market	Carbon credits trading mechanism not linked to national or international regulations.
Materiality	An item of information, an error or an inaccuracy are normally considered as material if they can influence people building on them. This concept comes into play when verifying project data and embodies the idea that there is a threshold beyond which the search for other potential errors is not longer justified in terms of time, money or the efforts required. Thus, if the error found generates a difference in the emission reductions of the project which is below the set threshold, this error is viewed as negligible or, in other words, immaterial.

Clean development mechanism (CDM)	Flexibility mechanism provided for under the Kyoto Protocol (Art. 12). It assumes the implementation of emission reduction or avoidance projects in the developing countries. The CDM projects require at least three partners: the developing country (project host), the private investor (project manager) and the Annex B country from which the private investor comes.
Joint implementation (JI)	Flexibility mechanism provided for under the Kyoto Protocol. This mechanism is used by the governments of developed countries and countries with economies in transition, and their companies, to finance greenhouse gas emission reduction projects in the other developed countries and countries with economies in transition (mainly the Eastern European countries and Russia). In return, these States receive emission credits that they can sell or deduct from their own national efforts.
Baseline	This is a historical level used to calculate subsequent changes in greenhouse gas emissions. This level is determined micro-economically or macro-economically. It is of crucial importance in determining the additivity level of reductions resulting from joint initiative projects or those implemented under the Clean Development Mechanism or the Joint Implementation.
Carbon black	Carbon black, also known as furnace black or lamp black, is an amorphous form of the carbon produced by industrial activity. It is a climate forcer (has a warming effect on the climate) that has only been of interest to the scientific community for a few years.
Global warming potential (GWP) or planet warming potential (PWP)	Index describing the radiation characteristics of greenhouse gases. The GWP or PWP represents the combined effect of the time these gases remain in the atmosphere and their relative effectiveness in absorbing outgoing infrared radiation. This index approximates the time-integrated warming effect of a unit mass of a given greenhouse gas in the atmosphere, relative to that of CO ₂ . NOTE: The reports of the Intergovernmental Panel on Climate Change contain planet warming potential tables.
Greenhouse gas programme	Voluntary or mandatory, international, national or sub-national system or plan which records, counts or manages the emissions, removals, greenhouse gas emission reductions or improvements in greenhouse gas removals.
Carbon sink	Any process, activity or mechanism, natural or artificial, that removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere (for example, trees, plants and oceans).
Reforestation	Planting of forests on lands that had previously contained forests but have been converted to other uses.
Additional reductions	See Additionality
Greenhouse gas emission reduction	Calculated drop in GHG emissions between the baseline scenario emissions and the actual emissions avoided by a project.

Reduction in emissions from deforestation and forest degradation (REDD+)

International issue of the post-2012 climate regime on the financial provisions and the transfer of technology under the reduction plan for emissions caused by deforestation and forest degradation. This issue also includes the protection and sustainable management of forests and the promotion of forest carbon stocks in the developing countries resulting, for example, from adapted silvicultural practices or plantings.

Greenhouse gas reservoir

Physical unit or biosphere, geosphere or hydrosphere component capable of storing or accumulating a GHG removed from the atmosphere by a greenhouse gas sink or a GHG captured at its source.

NOTE 1: The total mass of carbon contained in a GHG reservoir at a given moment can be called reservoir carbon stock.

NOTE 2: A GHG reservoir can transfer GHG to another reservoir.

NOTE 3: Collecting a GHG at its source before it enters the atmosphere and storing the GHG collected in a GHG reservoir can be called GHG capture and storage.

Baseline scenario

Hypothetical reference case that represents in the best possible way the conditions that would be the most likely in the absence of the greenhouse gas project.

NOTE: The baseline scenario coincides with the GHG project chronology.

Sequestration

Action of removing the carbon from the atmosphere. CO₂ sequestration projects can participate in two distinct and sometimes complementary ways to carbon sequestration: (i) by extracting the carbonic gas from the atmosphere and storing it as over- and underground biomass; (ii) by producing additional renewable biomass where the waste-to-energy conversion can avoid the recourse to fossil fuels.

Greenhouse gas source

Physical unit or process releasing a GHG into the atmosphere.

Affected greenhouse gas source, sink or reservoir

GHG source, sink or reservoir influenced by the activity of a project through modifications to the supply and demand of the market regarding its associated products or service or through physical movement.

NOTE 1: Unlike the *associated* GHG sources, sinks or reservoirs which are linked physically to a GHG project, the *affected* GHG sources, sinks or reservoirs are linked to a GHG project by changes caused by market supply and demand.

NOTE 2: An affected GHG source, sink or reservoir is normally found off the project site.

NOTE 3: The reductions in emissions or the increases in GHG removals attributable to the affected GHG sources, sinks or reservoirs are commonly called "leaks".

Controlled greenhouse gas source, sink or reservoir

A GHG source, sink or reservoir that operates under the guidance or influence of an author of a greenhouse gas project proposal through financial, political, management or other instruments.

NOTE: A controlled GHG source, sink or reservoir is normally found on the project site.

Associated greenhouse gas source, sink or reservoir	<p>A GHG source, sink or reservoir with material or energy flows entering or exiting the project or which are contained within it.</p> <p>NOTE 1: An associated GHG source, sink or reservoir is normally found upstream or downstream of the project and can be located on or off the project site.</p> <p>NOTE 2: An associated GHG source, sink or reservoir can also include activities relating to the design, construction or declassification of a project.</p>
Standard of performance	<p>Simplified approach of additionality and the baseline scenario. Rather than seeking to prove the additionality and to determine the baseline scenario for each project, the standard of performance is an approximate evaluation that establishes a generic baseline scenario as a quantitative standard of performance. Any project where the emissions are below this predefined standard is considered as additional.</p>
Monitoring	<p>Continuous or periodic assessment of emissions and removals of GHG or other GHG-related data.</p>
Emission cap-and-trade system	<p>System that assigns rights to companies for their greenhouse gas emissions based on governmental environmental objectives. Compensatory credits issued thanks to a GHG reduction project can also be traded in this system.</p>
Tonne of carbon equivalent	<p>See equivalent CO₂</p>
Removal unit	<p>Unit issued by the Parties to the Kyoto Protocol and which covers the net removal by carbon sinks of GHG from Land Use, Land Use Changes and Forestry (LULUCF) activities.</p>
Emission unit	<p>Under the cap-and-trade system, an emission unit designates a right of emission generated by the government according to the declared GHG emissions verified by the companies. A right of emission relates to the authorisation to emit 1 tCO₂eq.</p>
Assigned amount units (AAU)	<p>Units issued by the Parties to the Kyoto Protocol in their national register. The amount assigned is calculated according to emissions of the base year and quantified emission reduction commitments. This quantity is expressed as a percentage.</p>
Certified emission reduction (CER)	<p>Certified emission reductions (CER) are emission credits obtained through CDM projects. These credits can be applied directly to fulfil the quantified commitments of Annex B countries.</p> <p>Note : the acronym UCRE for Certified units of emissions reduction is also used.</p>
Emission reduction units (ERU)	<p>These are units converted from an assigned amount unit (AAU) or a removal unit and handed to the project participant under joint implementation activities.</p>

Target user

Person or organisation identified by those in charge declaring information relating to greenhouse gases and which relies on this information to take decisions.

NOTE 1: The target user can be the customer, the responsible party, the administrators of the GHG programme, regulators, the financial community or other stakeholders involved such as local authorities, ministerial departments or non-governmental organisations.

NOTE 2: The level of assurance is used to determine the accuracy a validator or verifier gives to his validation or verification plan to detect any errors, omissions or false declarations.

NOTE 3: There are two assurance levels (reasonable or limited) that result in validation or verification reports that are formulated differently. See ISO 14064-3: 2006 A.2.3.2 for sample validation and verification reports.

Land Use, Land Use changes and Forestry (LULUCF)

Land use and their changes (forest, agriculture, natural areas, etc.) have a significant influence on carbon storage (sink) and methane (CH₄) releases and therefore on climate change. They contribute to the anthropogenic emissions taken into account by the Kyoto Protocol. The problem of land and forest use goes hand in hand with the concerns of two other conventions: biodiversity and desertification.

Vulnerability

Vulnerability defines to what extent a system can be degraded or damaged by climate change. It depends not just on the sensitivity but also on the adaptability of the system to new climatic conditions.

Sheet 8. UNFCCC and Kyoto Protocol document listings

Name	Description
Decision x/CP.x	COP decision
Decision x/CMP.x	CMP decision
FCCC/AWG/LCA/x	AWG-LCA preparatory document or provisional or current agenda
FCCC/CP/x	COP preparatory document or provisional or current agenda
FCCC/KP/CMP/x	CMP preparatory document or provisional or current agenda
FCCC/KP/AWG/x	AWG-KP preparatory document or provisional or current agenda
FCCC/SBI/x	SBI preparatory document or provisional or current agenda
FCCC/SBSTA/x	SBSTA preparatory document or provisional or current agenda
FCCC/SB/x	Preparatory document or provisional or current agenda of the two subsidiary bodies
GCF/x	Preparatory document of the Green Climate Fund
/ARR/x	Report of the individual examination of the GHG inventory (from 2005)
/TRR.x/x	Report of the technical review of the biennial report
/WEB/IRI/x	Report of the individual examination of the GHG inventory/Document published on the Web only (listing used until 2004 inclusive)
/ASR/x	GHG inventory annual status report
/WEB/SAI/x	GHG inventory summary and assessment report/Document published on the Web only
/COM/x	National communication
/DPR/x	Demonstrable Progress Report (<i>Demonstrable Progress Report</i>)
/IDR.x	In-depth Review (<i>In-Depth Review</i>)
CDM EB-x	CDM Executive Board Report
SMSN/IGO/x	Document submitted by intergovernmental organisations
SMSN/NGO/x	Document submitted by non-governmental organisations
/TP/x	Technical document
/Add.x	Text added to a document presented previously (Addendum)
/Amend.x	Amendment to a text
/Corr.x	Correction of a text
/CRP.x	Conference Room Paper
/INF.x	Information series containing general information
/L.x	Limited distribution document: Draft report or text
/MISC.x	Miscellaneous documents: Points of view of Parties and observers; list of participants
/Rev.x	Text revision which supersedes the text published previously
Non paper	Internal, unofficial document to facilitate the negotiations

Note:

- x indicates a serial number.
- For the Green Climate Fund documents (GCF/x), see: www.gcfund.org/documents/in-session-documents.html

Source: <http://unfccc.int/2644>

Sheet 9. Abbreviations and acronyms (French – English)

Français		Anglais	
ABPA	Alliance Bolivarienne pour les Peuples de notre Amérique (ALBA en espagnol)	<i>Bolivarian Alliance for the Peoples of our America (ALBA in spanish)</i>	BAPA
AILAC	Alliance indépendante de l'Amérique latine et les Caraïbes	<i>Independent Alliance of Latin America and the Caribbean</i>	AILAC
ALBA	Alliance bolivarienne pour les peuples de notre Amérique	<i>Bolivarian Alliance for the Peoples of Our America</i>	BAPOA
AND	Autorités Nationales Désignées	<i>Designated National Authorities</i>	DNA
AP	Accord de Paris	<i>Paris Agreement</i>	PA
APEI	Alliance des petits États insulaires (www.sidsnet.org/aosis)	<i>Alliance of Small Island States</i>	AOSIS
ADP	Groupe de travail spécial sur la plate-forme de Durban pour une action renforcée	<i>Ad Hoc Working Group on the Durban Platform for Enhanced Action</i>	ADP
AEI	Analyses et Examens Internationaux	<i>International Analysis and Review</i>	IAR
CAI	Consultations et Analyses Internationales	<i>International Consultations and Analysis</i>	ICA
CCNUCC	Convention-cadre des Nations Unies sur les Changements Climatiques	<i>United Nations Framework Convention on Climate Change</i>	UNFCCC
CDD	Cadre pour les Diverses Démarches	<i>Framework for Various Approaches</i>	FVA
CDN	Contribution Déterminée au niveau National	<i>Nationally Determined Contributions</i>	NDC
CdP	Conférence des Parties à la Convention-cadre des Nations Unies sur les changements climatiques	<i>Conference of the Parties to the United Nations Framework Convention on Climate Change</i>	COP
CE	Comité Exécutif	<i>Executive Board</i>	EB
CESNU	Conseil économique et social des Nations Unies	<i>United Nations Economic and Social Council</i>	ECOSOC
CET	Comité exécutif de la technologie	<i>Technology Executive Committee</i>	TEC
CPDN	Contribution Prévue Déterminée au niveau National	<i>Intended Nationally Determined Contribution</i>	CPDN
CPF	Comité Permanent Finances	<i>Standing Committee for Finance</i>	SCF
CRA	Conférence des Parties servant en tant que Réunion des Parties de l'Accord de Paris	<i>Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement</i>	CMA
CRP	Conférence des Parties agissant comme Réunion des Parties au Protocole de Kyoto	<i>Conference of the Parties serving as Meeting of the Parties to the Kyoto Protocol</i>	CMP
CRTC	Centre et Réseau des Technologies du Climat	<i>Climate Technology Center and Network</i>	CTCN
CSF	Conseil de Stabilité Financière	<i>Financial Stability Board</i>	FSB
DC	Démarches Concertées	<i>Cooperative Approaches</i>	CA
DSE	Dialogue structuré entre experts	<i>Structured Expert Dialogue</i>	SED
EET	Equipe d'experts techniques	<i>Team of Technical Experts</i>	TTE

Français		Anglais	
EOD	Entités Opérationnelles Désignées	<i>Designated Operational Entities</i>	<i>DOE</i>
FA	Fonds d'Adaptation	<i>Adaptation Fund</i>	<i>AF</i>
FEM	Fonds pour l'Environnement Mondial	<i>Global Environment Facility</i>	<i>GEF</i>
FPMA	Fonds des Pays les Moins Avancés	<i>Least Developed Countries Fund</i>	<i>LDCF</i>
FPP	Fonds de Préparation de Projets	<i>Project Preparation Facility</i>	<i>PPF</i>
FSCC	Fonds Spécial des Changements Climatiques	<i>Special Climate Change Fund</i>	<i>SCCF</i>
FVC	Fonds Vert Climat	<i>Green Climate Fund</i>	<i>GCF</i>
GEMO (ou PDVS)	Groupe d'États ayant la même optique (ou Pays en développement aux vues similaires)	<i>Like Minded Developing Countries (Like Minded Group)</i>	<i>LMDC (ou LMG)</i>
GEPMA	Groupe d'Experts sur les Pays les Moins Avancés	<i>Least Developed Country Expert Group</i>	<i>LEG</i>
GES	Gaz à Effet de Serre	<i>Greenhouse Gas</i>	<i>GHG</i>
GETT	Groupe d'Experts pour le Transfert de la Technologie	<i>Expert Group on Technology Transfer</i>	<i>EGTT</i>
GIEC	Groupe Intergouvernemental d'Experts sur l'évolution du Climat	<i>Intergovernmental Panel on Climate Change</i>	<i>IPCC</i>
GtCO ₂ e	Gigatonne de CO ₂ équivalent	<i>Gigaton of CO₂ equivalent</i>	<i>GtCO₂e</i>
GTS-AP	Groupe de Travail Spécial sur l'Accord de Paris	<i>Ad Hoc Working Group on the Paris Agreement</i>	<i>APA</i>
G77/Chine	Groupe des 77 et Chine (www.G77.org)	<i>Group of 77 and China</i>	<i>G77/China</i>
EI	Evaluation et Révision internationale	<i>International Assessment and Review</i>	<i>IAR</i>
AIEDE	Association internationale pour l'échange de droits d'émission	<i>International Emissions Trading Association</i>	<i>IETA</i>
MCC	Mécanisme de Crédit Conjoint	<i>Joint Crediting Mechanism</i>	<i>JCM</i>
LPAA	Plan d'Actions Lima-Paris	<i>Lima-Paris Action Agenda</i>	<i>LPAA</i>
MAAN	Mesures d'Atténuation Appropriées au niveau National	<i>Nationally Appropriate Mitigation Actions</i>	<i>NAMA</i>
MDD	Mécanisme pour un Développement Durable	<i>Sustainable Development Mechanism</i>	<i>SDM</i>
MDP	Mécanisme de Développement Propre	<i>Clean Development Mechanism</i>	<i>CDM</i>
MNV	Mesurer, Notifier, Vérifier	<i>Measuring, Reporting, Verification</i>	<i>MRV</i>
MOC	Mise en œuvre Conjointe	<i>Joint Implementation</i>	<i>JI</i>
M&P	Modalités et Procédures	<i>Modalities and Procedures</i>	<i>M&P</i>
NMM	Nouveau Mécanisme de Marché	<i>New Market Mechanism</i>	<i>NMM</i>
NR	Niveaux de référence	<i>Reference Levels</i>	<i>RL</i>
NRE	Niveaux de référence des émissions	<i>Reference Emission Levels</i>	<i>REL</i>
ODD	Objectifs de Développement Durable	<i>Sustainable Development Goals</i>	<i>SDGs</i>
OCDE	Organisation de Coopération et de Développement Economique	<i>Organisation for Economic Co-operation and Development</i>	<i>OECD</i>
OMM	Organisation météorologique mondiale	<i>World Meteorological Organization</i>	<i>WMO</i>

Français		Anglais	
ONG	Organisations Non Gouvernementale	NGO	Non Governmental Organization
ONU	Organisation des Nations unies	United Nations	UN
OS	Organe subsidiaire	Subsidiary Body	SB
OSCTS	Organe Subsidiaire de Conseil Scientifique et Technologique	Subsidiary Body for Scientific and Technological Advise	SBSTA
OSMOE	Organe Subsidiaire de Mise en Œuvre	Subsidiary Body for Implementation	SBI
PANA	Plan d'Action National d'Adaptation	National Adaptation Programme or Action	NAPA
PED	Pays en développement	Developing country	DC
PEID	Petits Etats Insulaires en Développement	Small Island Developing States	SIDS
PET	Processus d'examen technique sur l'atténuation	Technical examination process	TEP
PIB	Produit Intérieur Brut	Gross Domestic Product	GDP
PK	Protocole de Kyoto	Kyoto Protocol	KP
PMA	Pays les Moins Avancés	Least Developed Countries	LDC
PNA	Plan National d'Adaptation	National Adaptation Plan	NAP
PNUE	Programme des Nations Unies pour l'Environnement	United Nations Environment Programme	UNEP
PTN	Programme de Travail de Nairobi sur les incidences des changements climatiques et la vulnérabilité et l'adaptation à ces changements	Nairobi Work Program on impacts, vulnerability and adaptation to climate change	NWP
RB	Rapport Biennal	Biennial Report	BR
RBA	Rapport Biennal Actualisé	Biennial Updated Report	BUR
RCMD	Responsabilités communes mais différenciées	Common but differentiated responsibilities	CBDR
RCMD-CR	Responsabilités communes mais différenciées et capacités respectives	Common but differentiated responsibilities and respective capabilities	CBDR-RC
REDD	Réduction des émissions issues de la déforestation et de la dégradation forestière	Reducing Emissions from Deforestation and forest Degradation	REDD
RET	Réunion d'experts techniques	Technical Expert Meeting	TEM
RIT	Relevé international des transactions	International Transaction Log	ITL
SA	Secteur d'activité	Workstream	WS
SA1	Secteur d'activité 1	Workstream 1	WS1
SA2	Secteur d'activité 2	Workstream 2	WS2
UE	Union Européenne	European Union	EU
UQA	Unité de quantité attribuée	Assigned Amount Unit	AAU
URCE	Unité de Réduction Certifiée	Certified Emission Reduction	CER
UTCATF	Utilisation des terres, changement d'affectation des terres et foresterie	Land Use, Land Use Changes and Forestry	LULUCF

Sheet 10. Abbreviations and acronyms (English – French)

Anglais		Français	
AAU	Assigned Amount Unit	<i>Unité de quantité attribuée</i>	UQA
ADP	Ad Hoc Working Group on the Durban Platform for Enhanced Action	<i>Groupe de travail spécial sur la plate-forme de Durban pour une action renforcée</i>	ADP
AF	Adaptation Fund	<i>Fonds d'Adaptation</i>	FA
AILAC	Independent Alliance of Latin America and the Caribbean	<i>Alliance indépendante de l'Amérique latine et les Caraïbes</i>	AILAC
AOSIS	Alliance of Small Island States	<i>Alliance des petits États insulaires (www.sidsnet.org/aosis)</i>	APEI
APA	Ad hoc working group on the Paris Agreement	<i>Groupe de travail spécial de l'Accord de Paris</i>	GTS-AP
BAPA	Bolivarian Alliance for the Peoples of our America (ALBA in spanish)	<i>Alliance Bolivarienne pour les Peuples de notre Amérique (ALBA en espagnol)</i>	ABPA
BAPOA	Bolivarian Alliance for the Peoples of Our America	<i>Alliance bolivarienne pour les peuples de notre Amérique</i>	ALBA
BR	Biennial Report	<i>Rapport Biennal</i>	RB
BUR	Biennial Updated Report	<i>Rapport Biennal Actualisé</i>	RBA
CA	Cooperative Approaches	<i>Démarches Concertées</i>	DC
CBDR	Common but differentiated responsibilities	<i>Responsabilités communes mais différenciées</i>	RCMD
CBDR–RC	Common but differentiated responsibilities and respective capabilities	<i>Responsabilités communes mais différenciées et capacités respectives</i>	RCMD–CR
CDM	Clean Development Mechanism	<i>Mécanisme de Développement Propre</i>	MDP
NDC	Nationally Determined Contributions	<i>Contribution Déterminée au niveau National</i>	CDN
CER	Certified Emission Reduction	<i>Unité de Réduction Certifiée</i>	URCE
CMA	Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement	<i>Conférence des Parties servant en tant que Réunion des Parties de l'Accord de Paris</i>	CRA
CMP	Conference of the Parties serving as Meeting of the Parties to the Kyoto Protocol	<i>Conférence des Parties agissant comme Réunion des Parties au Protocole de Kyoto</i>	CRP
COP	Conference of the Parties to the United Nations Framework Convention on Climate Change	<i>Conférence des Parties à la Convention-cadre des Nations Unies sur les changements climatiques</i>	CdP
CPDN	Intended Nationally Determined Contribution	<i>Contribution Prévue Déterminée au niveau National</i>	CPDN
CTCN	Climate Technology Center and Network	<i>Centre et Réseau des Technologies du Climat</i>	CRTC
DC	Developing country	<i>Pays en développement</i>	PED
DNA	Designated National Authorities	<i>Autorités Nationales Désignées</i>	AND

Anglais		Français	
DOE	Designated Operational Entities	Entités Opérationnelles Désignées	EOD
EB	Executive Board	Comité Exécutif	CE
ECOSOC	United Nations Economic and Social Council	Conseil économique et social des Nations Unies	CESNU
EGTT	Expert Group on Technology Transfer	Groupe d'Experts pour le Transfert de la Technologie	GETT
EU	European Union	Union Européenne	UE
FSB	Financial Stability Board	Conseil de Stabilité Financière	CSF
FVA	Framework for Various Approaches	Cadre pour les Diverses Démarches	CDD
G77/China	Group of 77 and China	Groupe des 77 et Chine (www.G77.org)	G77/Chine
GCF	Green Climate Fund	Fonds Vert Climat	FVC
GDP	Gross Domestic Product	Produit Intérieur Brut	PIB
GEF	Global Environment Facility	Fonds pour l'Environnement Mondial	FEM
GHG	Greenhouse Gas	Gaz à Effet de Serre	GES
GtCO ₂ e	Gigaton of CO ₂ equivalent	Gigatonne de CO ₂ équivalent	GtCO ₂ e
IAR	International Analysis and Review	Analyses et Examens Internationaux	AEI
IAR	International Assessment and Review	Évaluation et Révision internationale	EEI
ICA	International Consultations and Analysis	Consultations et Analyses Internationales	CAI
IETA	International Emissions Trading Association	Association internationale pour l'échange de droits d'émission	AIEDE
IPCC	Intergovernmental Panel on Climate Change	Groupe Intergouvernemental d'Experts sur l'évolution du Climat	GIEC
ITL	International Transaction Log	Relevé international des transactions	RIT
JCM	Joint Crediting Mechanism	Mécanisme de Crédit Conjoint	MCC
JI	Joint Implementation	Mise en œuvre Conjointe	MOC
KP	Kyoto Protocol	Protocole de Kyoto	PK
LDC	Least Developed Countries	Pays les Moins Avancés	PMA
LDCF	Least Developed Countries Fund	Fonds des Pays les Moins Avancés	FPMA
LEG	Least Developed Country Expert Group	Groupe d'Experts sur les Pays les Moins Avancés	GEPMA
LMDC (ou LMG)	Like Minded Developing Countries (Like Minded Group)	Groupe d'États ayant la même optique (ou Pays en développement aux vues similaires)	GEMO (ou PDVS)
LPAA	Lima-Paris Action Agenda	Plan d'Actions Lima-Paris	LPAA
LULUCF	Land Use, Land Use Changes and Forestry	Utilisation des terres, changement d'affectation des terres et foresterie	UTCATF
M&P	Modalities and Procedures	Modalités et Procédures	M&P
MRV	Measuring, Reporting, Verification	Mesurer, Notifier, Vérifier	MNV
NAMA	Nationally Appropriate Mitigation Actions	Mesures d'Atténuation Appropriées au niveau National	MAAN
NAP	National Adaptation Plan	Plan National d'Adaptation	PNA
NAPA	National Adaptation Programme or Action	Plan d'Action National d'Adaptation	PANA

Anglais		Français	
NMM	New Market Mechanism	<i>Nouveau Mécanisme de Marché</i>	NMM
Non Govern-mental Organization	NGO	<i>Organisations Non Gouvernementale</i>	ONG
NWP	Nairobi Work Program on impacts, vulnerability and adaptation to climate change	<i>Programme de Travail de Nairobi sur les incidences des changements climatiques et la vulnérabilité et l'adaptation à ces changements</i>	PTN
OECD	Organisation for Economic Co-operation and Development	<i>Organisation de Coopération et de Développement Economique</i>	OCDE
PA	Paris Agreement	<i>Accord de Paris</i>	AP
PPF	Project Preparation Facility	<i>Fonds de Préparation de Projets</i>	FPP
REDD	Reducing Emissions from Deforestation and forest Degradation	<i>Réduction des émissions issues de la déforestation et de la dégradation forestière</i>	REDD
REL	Reference Emission Levels	<i>Niveaux de référence des émissions</i>	NRE
RL	Reference Levels	<i>Niveaux de référence</i>	NR
SB	Subsidiary Body	<i>Organe subsidiaire</i>	OS
SBI	Subsidiary Body for Implementation	<i>Organe Subsidiaire de Mise en Œuvre</i>	OSMOE
SBSTA	Subsidiary Body for Scientific and Technological Advise	<i>Organe Subsidiaire de Conseil Scientifique et Technologique</i>	OSCTS
SCCF	Special Climate Change Fund	<i>Fonds Spécial des Changements Climatiques</i>	FSCC
SCF	Standing Committee for Finance	<i>Comité Permanent Finances</i>	CPF
SDGs	Sustainable Development Goals	<i>Objectifs de Développement Durable</i>	ODD
SDM	Sustainable Development Mechanism	<i>Mécanisme pour un Développement Durable</i>	MDD
SED	Structured Expert Dialogue	<i>Dialogue structuré entre experts</i>	DSE
SIDS	Small Island Developing States	<i>Petits Etats Insulaires en Développement</i>	PEID
TEC	Technology Executive Committee	<i>Comité exécutif de la technologie</i>	CET
TEM	Technical Expert Meeting	<i>Réunion d'experts techniques</i>	RET
TEP	Technical examination process	<i>Processus d'examen technique sur l'atténuation</i>	PET
TTE	Team of Technical Experts	<i>Equipe d'experts techniques</i>	EET
UN	United Nations	<i>Organisation des Nations unies</i>	ONU
UNEP	United Nations Environment Programme	<i>Programme des Nations Unies pour l'Environnement</i>	PNUE
UNFCCC	United Nations Framework Convention on Climate Change	<i>Convention-cadre des Nations Unies sur les Changements Climatiques</i>	CCNUCC
WMO	World Meteorological Organization	<i>Organisation météorologique mondiale</i>	OMM
WS	Workstream	<i>Secteur d'activité</i>	SA
WS1	Workstream 1	<i>Secteur d'activité 1</i>	SA1
WS2	Workstream 2	<i>Secteur d'activité 2</i>	SA2

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ENERGIES 2050 was born with the certainty that the development trajectories of our societies are not inevitable. As an informal network since 2007, and as a French non-profit and non-governmental organisation working exclusively in the general interest since 2011, ENERGIES 2050 contributes relentlessly to the transformation of our societies for a more humane, plural and united future.

Gathering members and partners from more than sixty nationalities, ENERGIES 2050 works internationally to set up a new, positive and inclusive development model and to convert constraints into action possibilities. As a collective adventure in the quest for better ways of living together, ENERGIES 2050 has committed to the *Great Transition*, including the energy transition, sustainable cities and regions and the shift towards a more humane, plural and united society, bringing peace and respecting the common goods of humanity.

ENERGIES 2050 breaks its activities down into five complementary areas:

- Executing demonstrative and repeatable implementation projects accompany by technical studies and research actions to show the possibilities.
- Organising or attending meetings and conferences in order to expand the opportunities for exchanges and discussions.
- Publishing research results to pool and share knowledge.
- Educating, training and building the capacities so that each individual can understand, know and act.
- Communicating to the greatest number to inform, mobilise and unit the desire to act.

ENERGIES implements projects in more than thirty countries. ENERGIES 2050 is active in the following topics: eco-development and sustainable development; climate, environment and energy policy; energy transition; development of renewable energy sources; responsible and sustainable tourism; buildings and the construction sector; challenges and opportunities in rural and urban areas; sustainable cities; natural resources and the common goods of humanity; ecological and environmental economics; responsible business dynamics and corporate performance; low-carbon development strategies; gender; environmental education; social dynamics; behaviour change and citizen action; and the social solidarity economy.

ENERGIES 2050 is a recognised player in climate change negotiations and in preparing and setting up national and international strategies and action programmes. ENERGIES 2050 is also known for successfully introducing concrete mitigation and adaptation projects with huge innovation potential and for deploying essential capacity-building programmes to support country ownership and boost national excellence. ENERGIES 2050 has especially been privileged to support several African countries in preparing their Intended Nationally Determined Contributions (INDC) and in producing briefing files for submission to the Green Climate Fund. The association also launch *ethiCarbon Afrique*[®] in 2012. This strong, solidarity-based and innovative tool is designed to contribute to a real African energy revolution.

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The *Institut de la Francophonie pour le développement durable (IFDD – Institute of the French-speaking world for Sustainable Development)* is a subsidiary body of the Organisation internationale de la Francophonie (OIF – International Organisation of the Francophonie) and its headquarters are in Quebec City.

Under its original name of *Institut de l'Énergie des Pays ayant en commun l'usage du Français* (IEPF – Energy Institute for Countries with French as a common language), the IFDD came into being in 1988 following the 11th Summit of the Francophonie held in Quebec in 1987. It was created in the wake of the global energy crises and from a desire of Heads of State and Government for cooperative action to develop the energy sector in member countries. In 1996, the Institute took the resolutions of the Rio Earth Summit 1992 as the major guide for its action and became the *Institut de l'énergie et de l'environnement de la Francophonie* (Energy and Environment Institute of the French-speaking World) And in 2013, following the Rio+20 Conference, it was renamed *Institut de la Francophonie pour le développement durable* (IFDD – Institute of the French-speaking world for Sustainable Development).

Its mission is to contribute to:

- training and capacity-building in sustainable development of various categories of development players in French-speaking countries in the energy and environment sectors;
- support for development players in initiatives to prepare and implement sustainable development programmes;
- the promotion of the sustainable development approach in French-speaking countries;
- the development of partnerships in the various economic and social development sectors, mainly environment and energy, for sustainable development.

IFDD action falls under the Strategic Framework of the Francophonie, within mission D “Sustainable development, economy and solidarity” and Strategic Objective 7 “Contribute to the preparation and implementation of the post-2015 development programme and sustainable development goals”.

The Institute is in particular lead partner in the following two programmes under the OIF 2015-2018 schedule, implemented in partnership with other OIF units:

- Increase the capacities of target countries to develop and implement national, regional and local sustainable development strategies which are inclusive, participative and results-based;
- Build up the capacities of French-speaking players to allow active participation in international negotiations and decisions on the economic, environment and sustainable development, and their implementation.

The International Organisation of La Francophonie (OIF) is an institution founded on sharing a language – French – and common values. It currently groups 80 States and governments, including 57 members and 23 observers. The 2014 Report on the French language worldwide sets the number of French speakers at 274 million.

The OIF carries out political and cooperation actions on all five continents in the following priority areas: French language and cultural and linguistic diversity; peace, democracy and human rights; education and training; sustainable development and solidarity. OIF pays special attention in all its actions to young people and women and to access to information and communication technologies.

The Secretary General runs the political action of the Francophonie as its international spokesman and official representative. Mrs Michaëlle Jean has been the Secretary General of the Francophonie since January 2015.

57 member States and governments

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23 observers

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Guide to the negotiations assessment form – From Paris to Marrakesh or the challenge of implementation

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Clarity of issues	<div style="text-align: center;">1</div> <div style="text-align: center;">2</div> <div style="text-align: center;">3</div> <div style="text-align: center;">4</div>
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The reality of climate change is acknowledged unanimously. However, and in spite of international negotiations, it has to be recognised that the progress made over recent decades has been too modest with regard to the many outstanding challenges and the urgent need to take action. Scientific analyses highlight gradual disruptions and a global rise in temperatures over the last two centuries, at an increasing pace during recent decades. They are mainly caused by greenhouse gas emissions associated with our consumption and production modes, with consequences that are already irreversible.

The agreement reached in Paris, in December 2015, during the 21st Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) is of critical importance in the climate negotiation process. Fruit of a momentum created in 2011 with the launch of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, with the principal mandate of preparing a legal instrument for 2015, the Paris Agreement realises States' universal commitment to face up to climate change. While respecting national circumstances and the UNFCCC's founding principle of shared but differentiated responsibilities, the Agreement reaffirms the necessary raising of ambition and measures to take in order for our societies to develop on low-carbon, resilient and united pathways. However, and even if it is announced as officially binding, the challenge of implementation still remains, and the next steps are equally important in transforming the collective vision and ambition into reality on the ground.

The success of the Marrakesh Conference is therefore as crucial as establishing the first universal agreement on Climate and the now completed process of its entry into force, making it legally binding. The international community faced an important initial challenge, but the goals now need to be made workable, by dealing with the challenges of implementation.

With the aim of helping participants to better understand the challenges of COP 22, this guide analyses COP 21 in detail and deciphers the Paris Agreement (Part I). The issues regarding the permanent subsidiary bodies are presented (Part II), before placing into perspective the major subjects of debate, which are central to COP 22 (Part III). Boxes supplemented by information diagrams and themed sheets provide the reader with all the keys to understand the negotiations. Although this publication is intended especially for negotiators from Francophone countries, it should also be a useful tool for all other delegates.

The negotiations, which remain the competence of the State Parties to the UNFCCC, will not succeed without the mobilisation of each and everyone of them. The time for the collective is on the agenda and Marrakesh, heralded as the *Conference of implementation*, must take the success further.



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